



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

:: Present ::

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

Date: 18-12-2019

Appeal No. 31 of 2019-20

Between

Kamarsu Vaninadha Rao, D.No.35-39-1/21, Rashtrapathi Road, Anushareddy Enclave, Railway Over Bridge East, SBI Upstairs, Tanuku, W.G.Dist-534211.

...Appellant

And

1. Assistant Engineer/operation/**Tanuku-Town.**
2. Assistant Accounts Officer/**ERO-Tanuku.**
3. Assistant Divisional Engineer/operation/**Tanuku.**
4. Divisional Engineer/operation/**Tadepalligudem.**
5. Divisional Engineer/DPE/**Eluru.**

....Respondents

ORDER

The above appeal- representation has come up for final hearing before the Vidyut Ombudsman on 07th-December-2019 at Eluru. The representative of the complainant, Sri K.Balakrishna Rao, and the respondents above, were 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.03-04-2018 in C.G.No:461/2017/Eluru 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 set aside the notice dated.8.5.2019 for payment of development charges etc., with a direction directing the respondents to issue one month statutory notice to the complainant- consumer in accordance with the clause 12.3.3.1(i) of GTCS.

2.The facts leading to file this appeal-representation are that the distribution licensee of the respondents gave supply of electricity with service connection number 24596 with a contracted load of 5 KW under LT category -1(Domestic) to the premises bearing D.No.35-39-1/21,Tanuku,belonging to one Sri.V.R.S.Narayana Reddy, on his application, prior to 2009 ,that the employees of the above licensee inspected the above premises, detected connected load of 9.640 KW and issued a notice dated.8.5.2009 to the above consumer to pay Rs.16,100/ towards development charges etc, but he did not pay that amount, that the complainant herein purchased the above house property from the previous owner, Sri. Narayana Reddy, on 31.12.2009 and made an application to the licensee to transfer the service connection in his name, but it was not done for want of no due certificate, that after no due certificate was obtained in the month of February,2011 and submitted to the licensee, the service connection was transferred by the licensee in the name of the complainant from the name of the previous owner on 19.09.2015, that power supply to the service connection was disconnected on 30.11.2017 on the ground that there is pending amount outstanding in TE &MP 'D' list and that as the complainant approached the respondents for restoration of power supply, the respondents again sent the

same provisional assessment notice, which was issued to the previous owner in 2009 for payment of development charges and security deposit etc, to the complainant. According to the complainant, he purchased the house property with all existing load from the previous owner and his vendor paid all charges payable to the licensee. His prayer is to prevent the licensee from disconnection of services randomly and remove all past demand notices touching the subject service connection. The case of the respondents is that the vendor of the complainant did not pay the development charges and the security deposit, that the additional load was not regularized, that the above premises was again inspected on 27.01.2018, and the connected load is 9.320 KW and that therefore, the complainant has to pay the necessary charges as per the provisional assessment notice.

3.No oral or documentary evidence was adduced . 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. No evidence, except marking Ex.A1, copy of no due certificate, is adduced by both sides before this authority.

4.The complainant, through voice call, submitted that he has no grievance with respect to the first part of the order, that the second part of the order of the Forum is incorrect, that the licensee cannot issue a demand notice to him claiming charges again for the same connected load because his vendor had already paid charges for the additional connected load and is not liable for any charges before the house property was sold, and that this authority must give a direction to the licensee to investigate into the matter relating to the issuance of

no due certificate and take action against the person who issued no due certificate and who cheated the licensee. The respondents submitted that the agreement was only for the contracted load of 5KW and as the connected load exceeded the contracted load and as the additional load was not regularized, the complainant is liable to pay charges for the additional connected load. The complainant submitted in his reply that as he already purchased the house with all existing connected load from the previous owner, he need not pay any charges for the additional load and that therefore, the appeal representation may be upheld.

5.The following point is framed for consideration:

Whether the representation can be upheld?

6.Point: According to the respondents, notice dated.8.5.2009 was issued on behalf of the licensee to the vendor of the appellant complainant demanding him to pay Rs.16,100/- i.e., Rs.10,000 towards development charges, Rs.6,000 towards security deposit and Rs.100 towards application fees, to get the detected additional load regularised, but the above amount is not paid so far. According to the appellant complainant, the above amount was paid by his vendor under the original of Ex.A1, No due certificate, and as he purchased the house property on 31.12.2009 from his vendor with the existing connected load, the respondents are not entitled to collect any amount from him on the ground of detection of additional connected load in the year 2009. So, it is for the appellant complainant to prove his case that the above amount had been paid by his vendor under the original of Ex.A1. If he proves his case, he will get reliefs in this case and this authority will have to hold that there are merits in this representation and that

the representation is liable to be allowed, otherwise, the appeal-representation is liable to be dismissed. Hence, the main question to be seen in this case is whether the vendor of the complainant paid development charges, security deposit etc under the original of Ex.A1?. Ex.A1 shows that the original of it was issued by the then Assistant Accounts Officer, ERO, Tanuku and it runs as follows:

"This is to certify that the consumer of Sc.No. 24596 of Tanuku Town has paid the outstanding dues up to 2/2011 and FR up to 19907 of Rs 1833/- vide BCRC No. 1234/Pr.No.1016821 Dt. 17/2/2011 in Electricity Revenue Office, Tanuku. Endt.AAO/ERO/TNK/JAO.IV/BS.I/D.No.233/11.Dt.22.2.2011."

Ex.A1 discloses that only Rs.1833/ towards outstanding dues up to February,2011 was paid and does not disclose that Rs.16,100 was paid by the vendor of the complaint to the licensee towards development charges, security deposit and application fee, for getting the additional load regularised. It is not the case of the appellant complainant that the additional load was regularised. Considering the contents of Ex,A1 including the quantum of the amount covered by Ex.A1,we can infer that the vendor of the complainant might have paid the current consumption charges due to the licensee up to February 2011. The case of the appellant complainant that his vendor paid development charges etc., to the licensee under the original of Ex.A1 cannot be easily believed and is disbelieved. Therefore, I hold that the consumer had not paid charges for regularisation of additional load and that the appellant complainant failed to prove his case. Once it is held that the consumer failed to prove his case, it is to be held that the above submissions made by the appellant complainant have no merit and are liable to be rejected and that the appeal representation is liable to be dismissed. To get the detected additional load regularised, the consumer has

to pay development charges etc., to the licensee as per the clause 12.3.3.1,(i) of the GTCS and cannot escape from it. The consumer cannot continue with additional connected load without paying charges for the additional connected load and without getting it regularised. *The appellant complainant has to get the additional load regularized as the agreement is for only 5 KW, and he has to perform his above duty. The appellant complainant can remove additional load with -out payment of any charges or retain the same by payment of charges for it. The choice is with the complainant-appellant. The above clause is amended subsequently.* Therefore, In my view, the second part of the order of the Forum is legally sustainable. Considering the facts of this case, I feel there is no need to give any direction to the licensee to take action against the person who issued no due certificate. Apart from it, there is no relief sought for by the complainant on the above aspect in his complaint. For the above reasons, I am of the opinion that the representation cannot be upheld. This point is, thus. answered.

7. In the result, I dismiss the appeal representation confirming the order of the Forum. No costs.

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

VIDYUT OMBUDSMAN

To

1. Kamarsu Vaninadha Rao, D.No.35-39-1/21, Rashtrapathi Road, Anushareddy Enclave, Railway Over Bridge East, SBI Upstairs, Tanuku, W.G.Dist-534211.

2. Assistant Engineer/operation/**Tanuku-Town.**
3. Assistant Accounts Officer/**ERO-Tanuku.**
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5. Divisional Engineer/operation/**Tadepalligudem.**
6. Divisional Engineer/DPE/**Eluru.**

Copy To:

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

//CERTIFIED :: TRUE COPY//

//FORWARDED :: BY ORDER//