

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM**  
**OF NORTHERN POWER DISTRIBUTION COMPANY OF A.P.**  
**LIMITED: WARANGAL.**

31<sup>st</sup> Day of March, 2010.

**Present** : Sri. D. Narsinga Rao : Chairman  
Sri. K. Ramesh : Member (Legal)

**C.G. No. 265/2010 of Karimnagar Circle**

**Between**

Sri. A. Boomaiah  
S/o. Late A. Lingaiah  
H. No. 2 – 10 – 637  
S.C. No. 171  
Kurmawada  
R/o. Mallialapalli  
Karimnagar – Dist.  
Pin Code No. 505 001.

**Complainant**

**AND**

1. Divisional Engineer/Operation/NPDCL/Manthani. **Respondents**
2. Assistant Divisional Engineer/Operation/NPDCL/Godavarikhani.
3. Assistant Engineer/Operation/NPDCL/Ramagundem.
4. Assistant Accounts Officer/ERO/NPDCL/Godavarikhani.

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Sri. A. Boomaiah, S/o. Late A. Lingaiah, H. No. 2-10-637, Kurmawada, R/o. Mallialapalli, Karimnagar-Dist., hereinafter called as the complainant, in his complaint received and registered on 05.02.10 under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, has stated as follows :-

- i. an agricultural S.C. No. 171 of Ramagundem distribution is existing in the name of his deceased father for which as his sons paying the C.C. bills regularly.

**Contd.2**

- ii. inspite of paying the bills regularly the Lineman has disconnected the service on the grounds that he is having dues about of Rs. 12,000/- towards the another agricultural bearing S.C. No. 19 existing at Badripally, H/o. Kundanapalli-Village on his name.
- iii. the agricultural S.C. No. 19, which is not under use since last ten years, he has also given application in 2004 seeking waival of all C.C. bill arrears in light of Government orders of having waived all arrears and treat the agricultural service connections of under free in as much the land owned by him is less than 2.5 acres dry land and as well he is not a income tax payer. The amount so raised originally was thus waived in light of my above submissions.
- iv. to his surprise, an amount of approximately Rs. 12,000/- has been raised inadvertently again probably treating the agricultural service connection is not under free category on behest of the concerned Lineman who developed grudge over me for the reasons better known to him. He has been under constant agony for the willful mischief of the concerned Lineman in the matter.
- v. further he has requested to issue the instructions to Assistant Accounts Officer/ERO/Godavarikhani for waival of inadvertently raised bills amount for S.C. no. 19 and stop disconnection of his live service.
- vi. he has also requested to arrange stringing the line which was dismantled when the surroundings lands were allotted to BPL Company.

2. As a sequel to the above complaint, Divisional Engineer/Operation/Manthani, Assistant Divisional Engineer/Operation/Godavarikhani, Assistant Engineer/Operation/Ramgundem and Assistant Accounts Officer/ERO/Town/Godavarikhani were directed to file their written submissions vide notice dated. 08.02.2010.

In response to the notice, the Assistant Accounts Officer/ERO/Godavarikhani, in his filings dated. 15.02.10, stated the following :-

**Contd.3**

- i. the agricultural S.C. No. 171 (free agricultural) of Ramagundem is pertaining to Sri. A. Lingaiah, the current consumption charges arrears due to end of 11/09 are nil.
- ii. the S.C. No. 19 (non-free agricultural) at Badripally, H/o. Kundanapally is pertaining to Sri. A. Boomaiah, it has current consumption charges arrears outstanding for Rs. 12379/- to end of 11/09. Hence the Lineman may have disconnected the service on the plea of nonpayment of current consumption charges.
- iii. the S.C. No. 19 was classified under non-free agricultural category. Then onwards it is being billed under the non-free only and does not have any arrears prior to 05/04. Any type of representation of the said consumer was not received in this office i.e., ERO/Godavarikhani for change of category of the above service from non-free to free.
- iv. the Assistant Engineer/Operation/Ramgundem has been requested for verification of the classification of the S.C. No. 19 vide Lr. No. AAO/ERO/GDK/JAO-II/UDC/Slab/D. No. 579/10/ Dt. 06.02.10, under the non-free agricultural or free agricultural category and also to submit a report of the matter, based on the consumer representation dated nil and addressed to the Divisional Engineer/Operation/Manthani.

In response to the notice, the Assistant Engineer/Operation/Ramagundem in his filings dated. 14.03.10, stated the following :-

- i. the agricultural S.C. No. 171 of Ramgundem pertains to Sri. Allam Lingaiah, known as A. Lingaiah. On verification in field it was found that the land pertains to Sri. A. Lingaiah which was cultivated under S.C. No. 171 has been acquired by the proposed BPL Power Plant at Ramagundem under the land assignment. Now there are no NPDCL lines and no service connections in that land.
- ii. the S.C. No. 19 at Badripally, H/o. Kundanapally-Village is pertaining to Sri. Allam Boomaiah. The service was disconnected due to pending outstanding C.C. charges arrears of Rs. 12,379/- to end of 11/09. It is also to submit that the S.C. No. 171 was not disconnected as link service to S.C. No. 19 of Badripally, as it was wrongly stated by the consumer in his petition.

- iii. the contents of petitioner in the Para-4 are not correct as he was stated that the S.C. No. 19 is not using supply from last ten years and in the Para-3 he also stated that the supply was disconnected for having arrears of Rs. 12,000/-.
- iv. it clearly indicates that the consumer is intentionally misguiding the facts. It is also to submit that any type of the application of the petitioner was not received in the Section Office regarding the the segregation of agricultural service under free category.
- v. as a matter of fact the segregation of free and non-free agricultural services was done based on the report of the Village Revenue Officer in the Year 2004.
- vi. at that time the S.C. No. 19 was not segregated under free and it was classified under non-free, then onwards the service is being billed under non free agricultural only.
- vii. in this context it is also to submit that, it was found that the petitioner Sri. A. Boomaiah is a pensioner of NPDCL and previously he was worked in the ERO/Godavarikhnai as UDC. Being a departmental person Sri. A. Boomaiah is trying to use his departmental knowledge to resist the disconnection of supply to an arrears outstanding service to his selfish intentions.
- viii. the petitioner is intentionally trying to establish the false allegation against the concerned Lineman, as it is a duty of the Lineman to disconnect the service which is having the outstanding arrears, on the same basis his S.C. No. 19 was disconnected for want of payment of C.C. arrears only. Being the ex-employee of the NPDCL he was well aware of the above fact.
- ix. it is to submit that, if the consumer wants to avoid the disconnection and segregation of his S.C. No. 19 under free agricultural. It is prayed to the Forum that the consumer may be ordered to pay the arrears up to date against the S.C. No. 19 of Badripally and a suitable representation may be submitted to the competent authority along with all necessary documents such as a certificate from Revenue Department certifying that how much total land is being cultivated under the S.C. No. 19 etc., for taking further necessary action by the NPDCL.

In response to the notice, the Divisional Engineer/Operation/Manthani, in his filings dated. 27.03.10, stated the following :-

- i. the S.C. No. 171, (free agricultural) in pertains to Sri. A. Lingaiah and the consumer is paying the C.C. charges regularly and paid up to 11/09.
- ii. the S.C. No. 19 (non-free agricultural) is in the name of Sri. A. Boomaiah, S/o. A. Lingaiah and the consumer is a retired employee of APNPDC Ltd., and having arrears up to Rs. 12,379/- (Rupees Twelve thousand three hundred and seventy nine only) to the end of 11/09. Hence the department staff disconnected the service due to non payment of C.C. charges.
- iii. further the consumer i.e., Sri. A. Boomaiah, retired employee of APNPDC has not submitted any representation in the ERO or Section Office as per the statement of the Assistant Accounts Officer/ERO/Godavarikhani and Assistant Engineer/Operation/Ramagundem.
- iv. the S.C. No. 19 is not disconnected as a link service of S.C No. 171.

3. **Analysis of the Case :-**

Government A.P. has issued instructions to supply power to farmers for their agricultural motors, at free of cost and also issued certain guidelines. The guidelines are being approved by APERC every year and incorporated in retail Tariff Order of the DISCOM.

The criteria for eligibility of free power supply to agricultural motors is as follows :-

1. Farmers less than three connections in the family name.
  2. Farmers holding up to 2.5. acres of wetland
  3. Farmers holding up to 3.0. acres of dry land.
  4. Non assesseees of income tax.
- } Should adopt DSM Measures.

**Contd.6**

As per instructions issued in Memo. No. CMD/NPDCL/WGL/DE (RAC) /Agl. Services/F-RAC/D. No. 951/05/Dt. 1.02.05, Assesses means a person having income not exceeding Rs. 50,000/- Per Annum.

Assessee means a person who is liable to file return of Income. As per Income Tax Act every person if his total income which is assessable under income tax during previous year exceeds the maximum amount which not chargeable to tax i.e., Rs. 50,000/- per annum (Copy enclosed for reference).

Further the report submitted by the Assistant Engineer/Operation/Ramagundem was already forwarded to the complainant to raise objections if any to this Forum within seven days. But no objections were made/received from the complainant till-to-date in the Forum Office.

4. **ORDER :-**

The respondents are therefore directed to obtain copies of pass books issued by the competent authority, indicating the quantum of land owned by complainant and Form-16 of the latest year in respect of pensioner complainant, issued by the concerned authority and if their annual income is below Rs. 50,000/-, their agricultural services shall be changed to free category based on the material available on record.

The complainant is also requested to produce the related certificates/documents as per the instructions issued by the Government in order to consider his request for changing agricultural service from non-free to free by the respondents concerned.

5. **Reasons for Delay :-**

There is a delay of about nine days for taking a maintainable decisive action on the petition. The reasons for delay are non-receipt of reports from respondents is also a cause.

Signed on 31<sup>st</sup> day of March, 2010.

Sd/-  
K. RAMESH  
MEMBER (LEGAL)

Sd/-  
D. NARSINGA RAO  
CHAIRMAN

Endt. No./CM/C.G.R.F/NPDCL/C.G. No. 265/2010-1 Dt. 31.03.2010.

**Copy to :**

The Superintending Engineer/Operation/NPDCL/Karimnagar.  
The General Manager (IT)/Corporate Office/NPDCL/Warangal.  
*(He is requested to place the order in the Company's Website).*  
The Stock file.

**//FORWARDED BY ORDER //**

Member (Legal)  
Consumer Grievances Redressal Forum.