

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

1st Day of April, 2010.

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

C.G. No. 263/2010 of Khammam Circle

Between

Sri. Koduri Satyanarayana
S/o. K. Satyanarayana
Citi Cable Operator
S.C. No. 7736
Bhadrachalam – Town
Khammam-Dist.
Pin Code No. 507111 (A.P.).

Complainant

AND

1. Senior Accounts Officer/Operation Circle/Khammam.
2. Divisional Engineer/Operation/NPDCL/Bhadrachalam.
3. Assistant Accounts Officer/ERO/NPDCL/Bhadrachalam.

Respondents

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Sri. K. Satyanarayana, S/o. K. Satyanarayana, Citi Cable Operator, Bhadrachalam-Town, Khammam-Dist., hereinafter called as the complainant, in his complaint dated. 05.01.10, received and registered on 07.01.10 under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, has stated as follows :-

- i. the Citi Cable is running by erecting GI poles with their own cost and poles tax paying to the municipality according to the rules.

Contd.2

- ii. utilizing the electricity poles for this purpose in Bhadrachalam-Town is very less, totally they are using approximately 215 numbers of electric poles.
- iii. in the month of 04/09 electricity bill served to them an amount of Rs. 9,260/- was indicated stating that we have utilized 463 numbers of electricity poles.
- iv. they have met with the Divisional Engineer/Operation/Bhadrachalam and other officials and requested them for revising the electricity bill for the actually utilized 215 number of electricity poles.
- v. the officials have instructed them first of all they have to pay the bills already served to them and afterwards the joint inspection may be conducted to know the actual utilization of numbers of electricity poles.
- vi. they have made the payment as per the instructions of the officials if not so, their services may be stopped by the officials.
- vii. even after requesting the officials for conducting joint inspection, due to busy with some works they have not conducted any joint inspection.
- viii. in the month of 11/09 a letter was served indicating an amount of Rs. 1,92,200/- additionally for payment for utilizing departmental poles since 2007 year.
- ix. further they have requested to revise the bill for the poles actually utilized i.e., 215 numbers @ Rs. 15/- per pole and the Bhadrachalam-Town is treating as a Gram Panchayat in view of the Hon'ble High Court orders against the orders passed by the Government making Bhadrachalam-Town as Municipality. The poles utilization amount may be decided from the month of 4/09 only instead of 2007 year.

2. As a sequel to the above complaint, Senior Accounts Officer/Operation Circle/Khammam, Divisional Engineer/Operation/Bhadrachalam, and Assistant Accounts Officer/ERO/Bhadrachalam, were directed to file their written submissions vide notice dated. 11.01.2010.

In response to the notice, the Assistant Accounts Officer/ERO/Bhadrachalam in his filings dated. 18.01.10, stated the following :-

- i. as per instructions received from the higher authorities penalty charges are collecting from the Citi Cable Operators who are utilizing electricity poles to run their cable network.
- ii. in 07/07 the Assistant Divisional Engineer/Operation/Bhadrachalam issued a notice to Sri. K. Satayanarayana, Proprietor Citi Cable, Bhadrachalam Town and informed that 463 poles are utilizing for Citi Cable Network and requested for joint inspection for confirmation.
- iii. up to 04/09 no body is come forward for joint inspection. As there is no representation from the Citi Cable owners and with the available material in this office in 04/09 penalty charges raised for 463 poles @ Rs. 20/- per pole.
- iv. in 07/09 Smt. K. Usha Rani consumer of 7736 represented that only signal point is existing in the premises where S.C. No. 7736 available and poles are utilizing by the Distributors area wise existing in different locations in Bhadrachalam Municipality.
- v. on 31.07.09 distributors for Citi Cable Network in Bhadrachalam represented that they are not utilizing 463 poles in Bhadrachalam Town and maximum number of G.I. poles erected for their distribution network in Bhadrachalam Town. At that time Divisional Engineer/Operation/Bhadrachalam instructed them to contact Assistant Engineer/Operation/Town/Bhadrachalam for joint inspection to confirm the exact number of poles utilization for Citi Cable Network.
- vi. even after expiry of four months time no joint inspection was conducted and consumer paid penalty charges from time to time. Hence in 11/09 penalty charges raised for the period from 07/07 to 03/09 for 463 poles @ Rs. 20/- per pole for 20 months. Total amount raised Rs. 1,92,200/-.
- vii. as per Government orders Bhadrachalam Major Panchayati upgraded as municipality during the year 2005. Therefore penalty charges raised @ Rs. 20/- per pole.

- viii. from the above it is clear that Citi Cable Distributors are utilizing electric poles since long back. Hence penalty charges from the date of notice issued (i.e., from 07/07) and which is reasonable.

Based on the report submitted by the Assistant Accounts Officer/ERO /Bhadrachalam, certain information was called for in connection with joint inspection report and number of poles utilization from which date vide T.O. letter dated. 09.02.2010. After thorough pursuance and issuing the number of reminders to the Divisional Engineer/Operation/Bhadrachalam has submitted a inspection report stating as follows vide his letter dated. 25.03.2010.

- i. the joint inspection was conducted with departmental staff of Bhadrachalam-Town Section and Citi Cable Operator in the month of February-10 for utilization of electricity poles in Bhadrachalam-Town Section.
- ii. the report was submitted by the Assistant Divisional Engineer / Operation/Town/Bhadrachalam on 17.03.2010.
- iii. as per the report, Citi Cable Operator was utilizing 112 number poles.

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

The complainant has submitted in his complaint the department has issued a letter dated. 10.12.09 indicating an amount of Rs. 1,92,200/- for payment since 2007 for utilization of 463 number electric poles for running his Citi Cable. Further the complainant has stated he has utilized only 215 numbers of poles. But the Divisional Engineer/Operation/Bhadrachalam has submitted a joint inspection report stating that the complainant has utilized 112 number poles based on the report submitted by the Assistant Divisional Engineer/Operation/Bhadrachalam. It is observed from the report of Divisional Engineer/Operation/Bhadrachalam and representation of complainant, the difference between the utilized poles and as per the letter

communicated to the complaint as above is making much difference (As per the letter served 463 numbers, complainant representation 215 numbers, joint inspection report utilized poles 112 numbers poles). This is to be clarified by the Assistant Divisional Engineer/Operation/Town/Bhadrachalam and Divisional Engineer/Operation/Bhadrachalam.

4. **ORDER :-**

The respondents are directed to issue the bills to the complainant for the number of poles utilized actually for Citi Cable Network from the actual date of utilization within 15 days. The complainant shall pay the bills within the due date as specified in the bills, failing which, the respondents are at liberty to take suitable action as per rules. Further the respondents are also directed to submit a detailed report in connection with the variation of number of poles as per the letter dated. 10.12.09 served to the complainant indicating as 463 number of poles, representation submitted by the complainant as he utilized 215 number of poles and joint inspection report as 112 number of poles utilized by the complainant.

5. **Reasons for Delay :-**

Due to non-receipt of the reports from the respondents.

Signed on 1st day of April 2010.

Sd/-
K. RAMESH
MEMBER (LEGAL)

Sd/-
D. NARSINGA RAO
CHAIRMAN

Endt. No./CM/C.G.R.F/NPDCL/C.G. No. 263/2010-1 Dt. 01.04.2010.

Copy to :-

The Assistant Divisional Engineer/Operation/Town/Bhadrachalam.
The Superintending Engineer/Operation/NPDCL/Khammam.
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.**

