

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

15th Day of February, 2011.

Present : Sri. T. Sadarlal : Chairperson
Sri. G. Raveendranath : Member (Accounts)
Sri. K. Ramesh : Member (Legal)
Sri. A. Sudharshan Reddy : Co-Opted (Member)

C.G. No. 302/2011 of Warangal Circle

Between

Sri. Surender Reddy
S/o. K. Dharma Reddy,
S.C. No. 14116-00046 & 14116-00149
R/o. Mutharam-Village
Palakurthy –Manadal,
Warangal-Dist.

Complainant

AND

1. Assistant Engineer/Operation/Palakurthy. Respondents
2. Assistant Divisional Engineer/Operation/Palakurthy.
3. Assistant Divisional Engineer/Operation/Ghanpur.
4. Assistant Accounts Officer/ERO/Ghanpur.
5. Divisional Engineer/Operation/Jangoan.

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Sri. K. Surender Reddy, S/o. K. Dharma Reddy, Muthuram-Village, Palakurthy-Mandal, Warangal-Dist., hereinafter called as the complainant in his complaint dated. 12-01-11 received and registered on 18.01.11, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

- i. The complainant has submitted that he has paid entire electricity dues till 12/2009.
- ii. But in the month of 01/2010, the department has issued the bills indicating as follows that arrears are due against the service connections up to 12/2009.

S.C. No. 149, Bill No. 4746/Dt. 05.01.10, Amount Rs. 43505/-.
S.C. No. 046, Bill No. 4738/Dt. 05.01.10, Amount Rs. 43505/-.

Contd.2

- iii. The Village Revenue Officer has also issued Mutharam-Village certificate stating that he is not a Government Employee or Payee of Income Tax on agriculturist only vide Dt. 05.08.10.
- iv. The Assistant Divisional Engineer/Construction & Operation/Ghanpur has intimated vide his letter D. No. 1498 & 1500/06/Dt. 27.10.06 in connection with name change effected from Sri. Kalavala Dharma Reddy, S/o. Sri. Raghava Reddy to Sri. Kalavala Surender Reddy, S/o. K. Dharma Reddy against the S.C. Nos. 149 & 046 of Mutharam-Village in Palakurthy-Mandal.
- v. Based on the representation given by the consumer, vide letter dated. 24.07.10, the Assistant Divisional Engineer/Construction & Operation/Ghanpur has recommended to the Divisional Engineer/Operation/Jangoan vide letter dated. 09.08.10 to withdraw the bill amount from the date of name change effected.
- vi. Survey No. 62, 0.12 Acres, Survey No. 63, 0.33 ½ Acres, Survey No. 476, 2.08 ½ Acres, with one well and bore well.
- vii. The complainant has submitted the bills issued by the department for the month of 05/10 indicating minimum charges against the S.C. No. 46 for Rs. 250/-, to each service connection. (Bill No. 163511, Dt. 17.05.10).
- viii. The complainant has also enclosed the electricity bills issued by the department for the month of 01/2007 indicating minimum charges against the S.C. Nos. 149 & 046 for Rs. 60/- & 30/-. (P.R. No. 211875 & 211873, Dt. 11.01.2007).

2. As a sequel to the above complaint, the Assistant Engineer/Operation/Palakurthy, Assistant Divisional Engineer/Operation/Palakurthy, Assistant Divisional Engineer/Operation/Ghanpur, Assistant Accounts Officer/ERO/Ghanpur and Divisional Engineer/Operation/Jangoan were directed to file their written submissions vide notice dated. 18.01.2011.

I. The Assistant Accounts Officer/ERO/Ghanpur, in his filings received on 24-01-2011, stated the following :-

- i. The S.C. No. 14116-00046 & 14116-00149, non free agriculture to free agriculture of Mutharam-Village in Palakurthy-Section and Sub-Division the detail information as follows :-

Contd.3

- a. The above services were changed from non free agriculture to free agriculture with effect from 27.10.06 as per orders issued by the Divisional Engineer/Operation/Jangoan vide Memo. No. DE/OP/JGN/ AAE-Tech./D. No. 973/10/Dt. 28.09.10, and the above services along with another 11 number services also intimated to Assistant Divisional Engineer/IHCC/Warangal for change of non free to free in the ledger and master vide T.O. Lr. No. AAO/ERO/ GNP/JAO(B)/U/D. No. 491/10/Dt. 11.01.10, the change of tariff from non free to free also already effected in the month of 10/10.
- ii. Further it is submitted that, as per instructions issued by the Divisional Engineer/Operation/Jangoan, the excess demand also withdrawn through journal entry and the service wise detailed reports as follows.

Sl. No.	S.C. No.	Amount Withdrawn	J.E. No.	Present Collectable Arrears as on 12/10
1	00046	Rs. 41777.00	53 of 11/10	Rs. 14043.00
2.	00149	Rs. 36956.00	55 of 11/10	Rs. 18864.00

3. The hearing was conducted during the Consumer Awareness Programme proposed at Guest House, Operation Circle Warangal on 31.01.11, the complainant Sri. K. Surender Reddy and his Father Sri. K. Dharma Reddy have attended.

The Assistant Accounts Officer/ERO/Ghanpur and Assistant Divisional Engineer/Operation/Ghnapur have attended the hearing and submitted their reports.

I. The Assistant Divisional Engineer/Operation/Ghanpur, in his filings received on 03-02-2011, stated the following :-

- i. The Service Numbers 46 & 149 of Mutharam-Village in Palakurthy-Mandal name change effected on 27.10.06 from above same registered consumer Sri. Kalvala Dharma Reddy to his another son Sri. Kalvala Surender Reddy by collecting necessary documents.
- ii. In the month of 08/10 the consumer has represented to the Assistant Divisional Engineer/Operation/Ghanpur for change of category from non free agricultural to free agricultural supply by enclosing self under taking and VRO certificates.

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- iii. The Assistant Divisional Engineer/Operation/Ghanpur has written a letter to the Divisional Engineer/Operation/Jangoan for changing of category from non free agriculture to free agriculture supply by enclosing name change effected copies and VRO certificates.
- iv. The Divisional Engineer/Operation/Jangoan has issued tariff change orders vide Memo. No. DEE/OP/JGN/AAE-Tech/D. No. 973/Dt. 28.09.10.

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

The contention of the complainant Sri. K. Surender Reddy is that he is having two number agricultural services transferred from his Father S.C. Nos. 149 & 46 of Mutharam-Village in Palakurthy-Mandal having no arrears pending against them. But the department has issued Bill No. 4746/05.01.10 for an amount of Rs. 43,505/- and Bill No. 4738/05.01.10 for an amount of Rs. 43505/- against the above services stating that the arrears amount pending for payment. The complainant has stated that the above two number services name changed in his favour during the month of 10/2006 itself then where is the question of raising pending arrears against these services.

It is not understood how the respondents have effected name change without clearing the dues available by the complainant against these services prior to the period of name change effected. If the respondents might have been issued any notice to the complainant stating that such an amount is pending against these services at that time only, he might have been cleared the same and this case could have been not complicated for lodging the petition at Forum.

Without clearing pending arrears by the complainant the name change proposals effected by the respondents is a lapse against them and given scope for long pending arrears against these services without realizing into the department account.

It is observed from the records furnished by the respondents, that the complainant request for name change is registered as follows against the two number services (As per the particulars furnished in the test report furnished by the Assistant Divisional Engineer).

Sl. No.	Registration No./Date	S.C. No.	Payment made by the Complainant		P.R. No./Date	P.C.B. No./Date	The name change has to be effected as per the Citizen Charter
			'A' Form Fee	Inspection Fee			
1.	2172/ 23.02.05	46	25/-	150/-	8271/ 23.02.05	100885/ 23.02.05	Within Seven Days
2.	2173/ 23.02.05	149	25/-	150/-	8272/ 23.02.05	100885/ 23.02.05	Within Seven Days

It is crystal clear that the respondents have failed in effecting the name change proposals according to the norms fixed in Citizen Charter i.e., within seven days due to which the arrears amount against the above two number services are accumulated and showing as pending arrears prior to the date of name change effected i.e., 27.10.06.

The Forum has observed from the recorded evidences/reports furnished by the respondents i.e., Assistant Accounts Officer/ERO/Ghanpur and Assistant Divisional Engineer/Operation/Ghanpur that the S.C. Nos. 149 & 46 have changed to free agricultural services due to change of ownership (below three services on same name or land below 2 ½ Acres) as per the certificates made by the field officers on 27.10.06. Though the services changed from non free to free the department has raised the demand against the above services as if they are under non free agricultural services from 11/06 to 09/10 and issued the bill to the complainant for payment stating that he has due pending arrears against the services.

However the respondents have withdrawn the demand raised against these two numbers services indicating an amount of Rs. 41,777.00 (S.C. No. 46) vide J.E. No. 53 of 11/10, and Rs. 36956/- (S.C. No. 149) vide J.E. No. 55 of 11/10.

Further the respondents have also indicated an amount of Rs. 14043/- and 18864/- pending arrears amount against these two numbers services due for payment pertaining to the period of prior to conversion of these services from non free agricultural services to free agricultural services.

These two number services change of tariff from non free to free also already effected in the month of 10/10.

5. **ORDER :-**

The respondents are directed to effect the name change proposals taking into consideration of the norms fixed in the Citizen Charter as per the 'A' form registered date i.e., 23.02.05 duly withdrawing the arrears against these S.C. Nos. 46 & 149 raised between the period from the month of March 2005 to October 2006 and adjusting same from the amounts arrived by the Assistant Accounts Officer/ERO/Ghanpur vide his Lr. No. AAO/ERO/JAO (B)/UDC/D. No. 787/11/Dt. 24.01.11 to be paid by the complainant as on 12/10 showing as arrears.

The complainant is also requested to pay the balance amount whatever arrived by the respondents after with drawing/making adjustment against the S.C. Nos. 46 & 149 as per the directions issued in this order immediately.

The complainant is requested to pay the arrears as indicated above against these two number services pertaining to the period of prior to conversion of these services from non free to free agricultural service as per the amount arrived by the respondents duly verifying the available records with them if any detailed clarification as desired by them.

The respondents are directed to collect the amount pending arrears from the complainant against these two number services explaining the procedure adopted and circumstances under which the arrears fallen due for payment

pertaining to the period prior to conversion of these services from non free agricultural services to free agricultural services. The disciplinary action report duly implementing these orders shall be furnished to the Forum within 15 days from the date of receipt of this order.

Further the respondents are directed to follow the departmental rules in connection with realization of pending arrears against the services for which the name change proposals received before effecting the same and not to give this type of scope to the consumers atleast in future cases and avoid the postponement of revenue to the department like in this case.

6. If the complainant is aggrieved by the order of the forum he may represent to Vidyut Ombudsman, APERC, Singareni Bhavan, IVth Floor, Red Hills, Hyderabad-500 004, within (30) days of receipt of this order as specified in clause (9) of Regulation 1 of 2004 of A.P. Electricity Regulatory Commission of A.P.

Signed on 15th day of February, 2011.

Sd/-	Sd/-	Sd/-	Sd/-
K. RAMESH	G. RAVEENDRANATH	A. SUDHARSHAN REDDY	T. SADARLAL
MEMBER (LEGAL)	MEMBER (ACCOUNTS)	CO - OPTED (MEMBER)	CHAIRMAN

Endt. No./C.P./C.G.R.F/NPDCL/WGL/C.G. No. 302/2011-1 Dt. 15.02.2011.

Copy to :-

The Superintending Engineer/Operation/Warangal.

The General Manager (IT)/Corporate Office/NPDCL/Warangal.

(He is requested to place the order in the Company's Website).

Sri. Dr. A. Sudharshan Reddy, President, Centre for Environmental Studies,

H. No. 2-2-421, Kishanpura, Hanamkonda, Warangal-Dist.

The Stock file.

//FORWARDED BY ORDER //

**Member (Legal)
Consumer Grievances Redressal Forum.**