

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

14th Day of July, 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. 313/2011 of Warangal Circle

Between

Sri. Md. Rahamuthulla Khan
S/o. Rasool Khan
R/o. H. No. 1-80
Jangalapally Cross Road
Mulugu-Mandal
Warangal-Dist.

Complainant

AND

1. Assistant Divisional Engineer/Operation/Mulugu.
2. Assistant Accounts Officer/ERO/Mulugu.
3. Divisional Engineer/Construction & Operation/Mulugu.

Respondents

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Sri. Md. Rahamuthulla Khan, S/o. Rasool Khan, Jangalapally Cross Road, Mulugu-Mandal, Warangal-Dist., hereinafter called as the complainant in his complaint dated. 27-04-11, received and registered on 28-04-11, under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, stated the following :-

- i. He has submitted that he has made construction of his house bearing H. No. 1-80, situated at Jangalapally-Village of Mulugu-Mandal of Warangal-Dist., in the Year 1983 provided with financial assistance from the Government to construct the said house with one bulb and one fan. Thus after completion of said house he along with his mother, wife and daughter are residing.

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- ii. He is working as Masjid Peshmam in the Masjid situated at Cross Road of Jangalpally, and earning a sum of Rs, 1500/- per month.
- iii. He has submitted that he was provided with a electricity meter to his house in the month of October 2000 by the departmental officials and supply of domestic current was in use by him, he paid Rs. 133/- towards consumption of electricity charges vide Receipt No. 144381, dated. 18.11.2000 and later paid Rs. 1000/- towards electricity consumption charges to the NPDCL Jangalapally Cross Road.
- iv. He has submitted that in the Year 2005 i.e., on 22.05.2005 a cheque was made by Vigilance Cell, Naimnagar, Hanamkonda and they issued a notice showing the electricity due consumption amount of Rs. 7,164/-.
- v. That from 21.12.2006 onwards the lineman disconnected the current supply to his house, showing total due amount of Rs. 8,651/- vide last Reading No. 02681.
- vi. There upon he approached the then Superintending Engineer/ NPDCL/Warangal and requested to supply current to his house under G.O. Rt. No. 379 dated. 26.11.2008 passed by the Government of Andhra Pradesh Energy (PR-II) Department) of which copy is enclosed for kind perusal of authority). Wherein the Government directed the DISCOMs to withdraw the pending cases against 18,094 domestic consumers in the state with connected load between 250 and 1000 Watts which are under investigation as on 31.03.2008 provided these consumers pay compounding amount of Rs. 1000/- (Rupees One thousand only).
- vii. He had paid an amount of Rs. 1000/- as per the receipt issued by the Vigilance and Anti Power Teft Squad Police Station, Warangal i.e., Northern Power Distribution Company of A.P. Limited vide its Receipt Serial No. 11717, Dated. 29.09.2005.
- viii. He approached the authorities to collect the compounding amount of Rs. 1000/- as per the G.O. Rt. No. 379, Dated. 26.11.2008 and also the publication in the daily newspaper i.e., Varatha Hyderabad Edition.
- ix. He has submitted that he made several personal approaches before the NPDCL authorities, filed petitions before the concerned authorities since last four years which yield no fruits, also filed a petition before the District Legal Services Authority, Warangal for consideration, but there is no response from NPDCL authorities.

- x. Thus he has no other go approached before this Honorable Authority to kindly look into the matter of this poor fellow, that his mother's leg was broken in the night time due to dark in the house as the electricity supply was disconnected, as she went out for passing due to non availability of current in the house this incident happened, and also there are many other occasions that animals like snake, other poisonous animals i.e., Scorpio enter into the house in the rainy season, and the family members are badly affected in the night times in the house and sustained severe wounds, thus are suffering a lot for want of electricity supply, are put to mental agony and shock leading lives in horrible condition.
- xi. Thus, in view of the Government releasing the G.O. Rt. No. 379, Dated. 26.11.2008, passed by the Government of A.P. Energy (PR-II) Department he prayed the kind authority to kindly provide an helping hand by receiving Rs. 125/- towards compound amount for the arrears due as on this date which was Rs. 1000/- as per previous G.O., and to wave off the remaining amount and pass orders to re-connect the electricity supply to his house on par with the above mentioned G.O. passed by the Government for down trodden poor people like him.
- xii. He therefore prayed the Forum to kindly look into the G.O. issued by the Government, and provide the benefit of the same to him by collecting Rs. 125/- for reconnection of electricity supply which was disconnected long back, keeping in view of the suffering met by him and their whole family more particularly his old age mother.

2. As a sequel to the above complaint, Assistant Divisional Engineer / Operation/Mulugu, Assistant Accounts Officer/ERO/Mulugu and Divisional Engineer /Construction & Operation/Mulugu were directed to file their written submissions vide notice dated. 02.05.2011.

I. The Assistant Accounts Officer/Sub-ERO/Mulugu, in his filings received vide his letter dated. 30-05-2011, stated the following :-

- i. As per the Memo. No. CGM(Expr)/GM(Rev)/AO/JAO/LT/F. No. 93/D. No. 132/10/Dt. 20.05.09, the Government of Andhra Pradesh is subsidizing Rs. 10/- per month towards the cost of consumption of 1 x 40 Watts Bulb (for six hours per day) during the month for every consumer who is having a connected load up to 250 Watts,

consuming 15 units per month who fall in the slab of 0-50 units and paying a minimum charges of 25/- per month) but the average units per the month for the above Service No. 10721-698 was 40 units per month, hence the service is not eligible for single bulb subsidy.

- ii. The service was booked under theft of energy case in the month of 05/2005 and arrears to end of 05/2005 was Rs. 6,154/- but the consumer has paid only assessment amount for Rs. 510/- and compounding fee for Rs. 500/- vide PR No. 11717, Dt. 29.09.2005.
- iii. On verification of office records it is observed that, the service was disconnected in the month of 03/07.
- iv. On 30.05.11 the undersigned has attended the Forum for Redressal of Consumer Grievances along with Divisional Engineer/Construction & Operation/Mulugu.
- v. The Chairman of Forum for Redressal of Consumer Grievances verified the file and D.C.B. of the above service and instructed to revise the C.C. bill from 02/2002 to 01/2007 and there after review the service under B.P. Ms. No. 151.
- vi. Based on the instructions of Forum for Redressal of Consumer Grievances and Divisional Engineer/Construction & Operation/Mulugu and based on the Additional Assistant Engineer/Operation/Mulugu report revised the C.C. bill from 02/2002 to 01/2007 (As per the working sheet amount to be withdrawn is Rs. 1,836/-) and reviewed the service under B.P. Ms. No. 151 as follows :-

Arrears as on date of Disconnection i.e., to end of 03/2007 is	Rs. 9,633.70
Add : 4 Month Advance @ 65/- per month	<u>Rs. 260.00</u>
	Rs. 9,893.70
Less : Security Deposit Available	Rs. 100.00
Amount to be withdraw as per bill revision	<u>Rs. 1,836.00</u>
	Rs. 1,936.00
Amount to Collected from the Consumer	<u>Rs. 7,957.70</u>
	Or Say <u>Rs. 7,958.00</u>

II. The Divisional Engineer/Construction & Operation/Mulugu, in his filings received vide his letter dated. 31-05-2011, stated the following :-

- i. As per the Memo. No. CGM(Expr)/GM(Rev)/AO/JAO/LT/F. No. 93/D. No. 132/10/Dt. 20.05.09, the Government of Andhra Pradesh is subsidizing Rs. 10/- per month towards the cost of consumption of 1 x 40 Watts Bulb (for six hours per day) during the month for every

consumer who is having a connected load up to 250 Watts, consuming 15 units per month who fall in the slab of 0-50 units and paying a minimum charges of 25/- per month) but the average units per the month for the above Service No. 10721-698 was 40 units per month, hence the service is not eligible for single bulb subsidy.

- ii. The service was booked under theft of energy case in the month of 05/2005 and arrears to end of 05/2005 was Rs. 6,154/- but the consumer has paid only assessment amount for Rs. 510/- and compounding fee for Rs. 500/- vide PR No. 11717, Dt. 29.09.2005.
- iii. On verification of office records it is observed that, the service was disconnected in the month of 03/07, and the C.C. arrears as on 03/07 was Rs. 9,633.70/-. But the consumer has not paid any amount since disconnection of power supply and not using the supply also.
- iv. On 30.05.11 the undersigned has attended the Forum for Redressal of Consumer Grievances along with Assistant Accounts Officer/ERO/Mulugu.
- v. The Chairman of Forum for Redressal of Consumer Grievances verified the file and demand, collection and balance of the above service and instructed to revise the C.C. bill from 02/2002 to 01/2007 and there after review the service under B.P. Ms. No. 151 from the actual date of disconnection as the consumer is not using supply.
- vi. Based on the instructions of Forum for Redressal of Consumer Grievances and based on the Additional Assistant Engineer/Operation/Mulugu report the Assistant Accounts Officer/ERO/Mulugu has revised the bill from 02/2002 to 01/2007 (As per the working sheet amount to be withdrawn is Rs. 1,836/-) and reviewed the service under B.P. Ms. No. 151 as follows :-

Arrears as on date of Disconnection i.e., to end of 03/2007 is	Rs. 9,633.70
Add : 4 Month Advance @ 65/- per month	<u>Rs. 260.00</u>
	Rs. 9,893.70
Less : Security Deposit Available	Rs. 100.00
Amount to be withdraw as per bill revision	<u>Rs. 1,836.00</u>
	Rs. 1,936.00
Amount to Collected from the Consumer	<u>Rs. 7,957.70</u>
	Or Say <u>Rs. 7,958.00</u>

- vii. In this connection, it is to submit that, the above service connection can be dismantled if the consumer Sri. Md. Rahamuthulla Khan, S/o. Rasool Khan pays the above said amount.

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3. The hearing was proposed and conducted on 02.07.11 in the Chamber of Chairperson/Consumer Grievances Redressal Forum/NPDCL/Warangal at 3.30 PM. During the hearing conducted, the respondents i.e., Assistant Accounts Officer/ERO/Mulugu, Assistant Divisional Engineer/Operation/Mulugu, and the complainant, have attended for the hearing.

The remarks raised during the hearing by the respondents and complainant as follows :-

I. Complainant :-

- i. He has attended the hearing on 02.07.2011 and requested to do the justice to him.

II. Respondents :-

- i. The Assistant Accounts Officer/ERO/Mulugu has submitted that the detailed report will be submitted on 05.11.2011.
- ii. The Assistant Divisional Engineer/Operation/Mulugu has submitted that the detailed report will be submitted on 05.11.2011.

I. After hearing the Assistant Accounts Officer/ERO/Mulugu has submitted a report vide his letter dated. 04.07.11, stated as follows :-

- i. The following detailed report in respect of S.C. No. 10721-00698 of Sri. Md. Rahamuthulla Khan, S/o. Rasool Khan, cat-I Load 250 Watts is herewith submitted.
- ii. The above service was released on 25.06.2000 under RUDS Scheme. Since and before the date of release the above consumer is utilizing supply and paid an amount of Rs. 425/- vide P.R. No. 74337, dt. 25.06.2000 towards development charges, consumption deposit and application fee. Later paid an amount of Rs. 133/- vide PR. No. 144381, Dt. 18.11.2000 towards C.C. charges.
- iii. Further, it is to submit that the above consumer has indulged in pilferage of energy case vide Crime No. 9317/05 and paid total amount of Rs. 1010/- towards compounding fee and assessment amount vide Receipt No. 11717, Dt. 29.09.05.

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- iv. In this connection, it is to submit that the G.O. Rt. No. 379, dt. 26.11.08 enclosed by the complainant is not applicable to him, as the theft of energy case is booked and closed in the Year 2005 it self. Further, the single bulb subsidy of Rs. 10.00 per month is also not applicable to the above consumer as he is consuming on an average of 33 units per month.
- v. Further, it is to submit that as per the letter of field Additional Assistant Engineer/Operation/Mulugu and Assistant Divisional Engineer/Operation/Mulugu vide Lr. No. AAE/OP/MLG/F. No. ERO/D. No. Camp/Dt. 04.07.11 and Lr. No. ADE/OP/MLG/F. No. ERO/D. NO. Camp/Dt. 04.07.11, the bill for above service was revised from the date of release to till the date of disconnection due to the spot biller was issued abnormal bill with irregular status. Hence as per N.O.O. (CS)Ms. No. 101 & 102, Dt. 02.08.07, the bills were revised and arrived the revised amount, which is as follows :-

WORKING SHEET

F.R. on the date of disconnection i.e., 03/2007	2694 Units.
I.R on the date release i.e., 25.06.2000 (Check reading on 26.05.11 is 2694 Units)	<u>02 Units</u>
Total consumption units from 06/2000 to 03/2007 i.e., for 82 Months.	<u>2692 Units</u>
Average consumption per month is $2692/82 = 33$ Units.	
Monthly C.C. Charges for 33 units average Consumption @ Rs. 60.00 per month. From 06/2000 to 03/2002 and @ Rs. 65.00 Per month from 04/2002 to 03/2007.	Rs. 5220-00
Less Payment received	<u>Rs. 133-00</u>
Add : 4 months advance (Monthly Minimum @ 65.00 Per Month)	<u>Rs. 5087-00</u>
4 months surcharge (5087*.0007*30*4)	Rs. 260-00
4 months surcharge (5087*.0007*30*4)	<u>Rs. 427-00</u>
Collectable Amount	<u>Rs. 5774-00</u>

- vi. If the consumer pays the above amount of Rs. 5774/- new service can be released by Additional Assistant Engineer/Operation/Mulugu duly following the procedure. The D.C.B of the above service from the 11/2001.

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

The contention of the complainant is that he has constructed a house bearing H. no. 1-80 situated at Jangalapally-Village of Mulugu Mandal of Warangal-Dist., in the Year 1983 provided with financial assistance from the Government with one bulb and one fan.

Based on the Vigilance check made a notice was issued to him showing the electricity due consumption amount of. Rs. 7,164/- and the Lineman has disconnected his service connection on 21.12.06 onwards showing total amount due for Rs. 8,651/-.

The complainant has made petition requesting to supply current to his house under G.O. Rt. No. 379, Dated. 26.11.08 passed by the Government of A.P. Energy (PR-II) Department. Wherein the Government directed the DISCOMs to withdraw the pending cases against 18094 domestic consumers in the state with connected load 250 and 1000 Watts which are under investigation as on 31.03.2008 provided these consumers pay compounding amount Rs. 1000/-.

As per the above guidelines issued wherein it is clearly mentioned that to withdrawal of pending theft of energy cases on domestic consumers which are under investigation as on 31.03.2008. But in this case as per the payment particulars made by the complainant and reports made by the respondents the complainant has paid an amount of Rs. 1010/- towards compounding fee and assessment amount vide Receipt No. 11717, Dated. 29.09.05 towards the theft case booked against the service connection due to which his case was not pending as on the date of G.O. Rt. No. 379 issued i.e., dated. 26.11.08 hence his case could not be considered and comes under the perview of the guidelines issued in this G.O.

The complainant is thinking that he will cover under single bulb subsidy as per the guidelines issued by the Government of A.P. But it is observed by the Forum that the complainant has paid an amount of Rs. 133/- towards consumption of electricity charges vide Receipt No. 144381, dated. 18.11.2000.

Based on the G.O. issued by the Government, the licensee has issued instructions to all field offices implementing single bulb subsidy vide Memo. No. CGM (Expr.)/GM (Rev.)/AO/JAO(LT)/F. No. 93/D. No. 132/09/Dt. 20.05.09 stating as follows :-

The Government of Andhra Pradesh is subsidizing Rs. 10/- per month towards the cost of consumption of 1 x 40 Watts Bulb (for six hours per day) during the month for every consumer who is having a connected load up to 250 Watts, consuming 15 units per month who fall in the slab of 0-50 units and paying a minimum charge of Rs. 25/- per month. These customers will have to pay the customer charges of Rs. 15/- per month and the total monthly bill of each customer in this category shall be Rs. 40/- per month. The total monthly bill payable by each such consumer in this category will be Rs. 30/- instead of Rs. 40/-. The scheme is applicable only to the consumers who are presently consuming up to 15 units per month with a connected load of 250 Watts. In the event that the consumption in any month is more than 15 units, the scheme is not applicable and the consumer has to pay charges as per the existing tariff in force.

From the above all information obtained this case cannot be considered/comes under the single bulb subsidy according to the guidelines communicated by the licensee vide Memo. No. CGM(Expr.)/GM(Rev)/ AO/ JAO(LT) /F.93/D. No. 132/09/Dt. 20.05.09 as per the c.c. bill amount for an amount of Rs. 133/- paid by the complainant vide PR No. 144381, Dated. 18.11.2000 towards C.C. charges for the units consumed by the complainant.

But, certain guidelines were issued by the department in the N.O.O. (CS)Ms. No. 101, Dated. 02.08.07 in connection with domestic services which are under disconnection/bill stopped since a long time and having huge arrears i.e., Rs. 5000/- or more. A copy of the N.O.O., submitted by the AAO/ERO/Mulugu,

In this case the Assistant Accounts Officer can be revised bills as per the guidelines issued therein.

The detailed guidelines issued in this regard is furnished as follows :-

In respect of domestic services which are under disconnection/bill stopped since a long time and having huge arrears (i.e. Rs. 5000/- or more), the arrears are to be analyzed . Based on the actual date of disconnection to be certified by the concerned Section Officer, the Assistant Accounts Officer/ERO has to revise bills accordingly and withdraw the minimum charges and consequential surcharges levied beyond four months from the date of disconnection. If the consumer pays the above revised amount, new service can be released duly following the procedure. The surcharges to be paid if any from the date of bill stop to the date of payment is to be kept pending for taking necessary action based on the Government orders in this regard which are awaited.

Accordingly to the above guidelines the Assistant Accounts Officer/ ERO / Mulugu has furnished a working sheet in his report dated. 04.07.11 duly revising the bill for the above service from the date of release till-the-date of disconnection as follows for payment by the complainant.

WORKING SHEET

F.R. on the date of disconnection i.e., 03/2007	2694 Units.
I.R on the date release i.e., 25.06.2000 (Check reading on 26.05.11 is 2694 Units)	<u>02 Units</u>
Total consumption units from 06/2000 to 03/2007 i.e., for 82 Months.	<u>2692 Units</u>
Average consumption per month is $2692/82 = 33$ Units.	
Monthly C.C. Charges for 33 units average Consumption @ Rs. 60.00 per month. From 06/2000 to 03/2002 and @ Rs. 65.00 Per month from 04/2002 to 03/2007. Less Payment received	Rs. 5220-00 <u>Rs. 133-00</u> <u>Rs. 5087-00</u>
Add : 4 months advance (Monthly Minimum @ 65.00 Per Month) 4 months surcharge (5087*.0007*30*4)	Rs. 260-00 <u>Rs. 427-00</u>
Collectable Amount	<u>Rs. 5774-00</u>

Contd.11

5. **ORDER :-**

The respondents are directed to revise the C.C. bills for the S.C. No. 10721-00698 of Sri. Md. Rahamuthulla Khan, S/o. Rasool Khan (Complainant) according to the guidelines of N.O.O. (CS) Ms. No. 101 & 102, Dated. 02.08.07 duly collecting the total amount arrived from the complainant and release the new service connection following the departmental procedures as in force.

The complainant is also requested to pay/clear the pending arrears outstanding implementing the above guidelines for releasing his service connection as per the departmental rules in vogue.

Further the respondents are directed to follow the departmental rules strictly and implement the same well-in-time so that this type of discrepancies in issuing the bills to the consumers shall be avoided failing which the departmental staff whoever may be deviating the procedures and issuing the wrong bills without following the rules are liable for initiating departmental action as per the departmental procedures in force.

The compliance report duly implementing these orders shall be submitted to the Forum within 15 days from the date of receipt of these orders.

6. **Reasons for Delay :-**

There is a delay of about 32 days in deciding the petition. The reasons for delay are :-

- i. Non-receipt of reports from respondents.
- ii. Insufficient information filed by the complainant.

7. 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 14th day of July, 2011.

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

Endt. No./C.P./C.G.R.F/NPDCL/WGL/C.G. No. 313/2011-1 Dt. 14.07.2011.

Copy to :-

The Superintending Engineer/Operation/NPDCL/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.**