

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

25<sup>th</sup> Day of June, 2010.

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

**C.G. No. 273/2010 of Warangal Circle**

**Between**

Sri. P. Bixapathi  
S/o. P. Venkata Raja Narsaiah  
S.C. No. 14505 – 00111  
Ammapuram – Village  
Thorrur – Rural & Mandal  
Chinnavangara – Section Office  
Warangal – Dist.

**Complainant**

**AND**

1. Assistant Engineer/Operation/Chinnavangara.
2. Assistant Divisional Engineer/Operation/Thorrur
3. Assistant Accounts Officer/Sub-ERO/Thorrur
4. Divisional Engineer/Operation/Mahabubabad.

**Respondents**

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Sri. P. Bixapathi, S/o. P. Venakta Raja Narsaiah, Ammapuram-Village, Thorrur-Rural & Mandal, Chinnavangara-Section Office, Warangal-Dist., hereinafter called as the complainant, in his complaint received and registered on 03.05.10 under Clause 5(7) of APERC Regulation 1 of 2004 read with Section 42(5) of Electricity Act 2003, has stated as follows :-

- i. He is having an Agricultural Service Connection on 14505 – 00111, 3 H.P. at Ammapuram, Thorrur-Mandal, Warangal-Dist.

**Contd.2**

- ii. The bill was issued for an amount of Rs. 46979-00 in the month of 02/2010 indicating this service as non free agricultural service.
- iii. He was intimated the above issue in the Section Office and Officials have stated that the incumbent is working in Gram Panchayat as Carobar with a monthly income of Rs. 2,549/-.
- iv. He has stated that with the above monthly salary he will not get under Income Tax Payee.
- v. He has requested to waive the all arrears on the above service connection treating it as free agricultural service connection.
- vi. Further he has requested that he is a poor carpenter having with a two acre land for cultivation.

2. As a sequel to the above complaint, Assistant Engineer/ Operation / Chinnavangara, Assistant Divisional Engineer/ Operation/ Thorrur, Assistant Accounts Officer/ Sub-ERO/ Thorrur and Divisional Engineer/Operation/ Mahabubabad were directed to file their written submissions vide notice dated. 04.05.2010.

In response to the notice issued by this Forum, the respondents have not submitted any reports on the above issue even after reminding several times over phone. However the Assistant Accounts Officer/ERO/Thorrur, has submitted a report on 22.06.2010 i.e., the date of hearing proposed by the Forum stating as follows :-

- i. the S.C. No. 14505 – 00111, named Sri. Pabboju Bixapathi, S/o. Venkat Ram Narsiah, service was released on 25.09.1981 (As per the Master).
- ii. the S.C. No. 14505 – 00892, name Sri. Pabboju Ravinder, S/o. P. Bixapathi, service release on 30.06.2000.
- iii. as per the orders issued vide Memo. No. CMD/NPDCL/ WGL / DE(RAC)/AGL Services/F. RAC/D. No. 951 /05/Dt. 01.02.2005,

and as per the Assistant Divisional Engineer/Operation/Thorrur field report (Xerox copy enclosed) Sri. Pabboju Bixapathi and Probbju Ravinder were L.T. Assesses. Therefore the S.C. No. 14505-00111, Sri. P. Bixapathi, S/o. P. Venkat Ram Narsaiah, S.C. No. 14505 -00892, Sri. P. Ravinder, S/o. P. Bixapathi, services were kept under non free quota sub-category 25 and bills were issued time to time.

- iv. while bi-furcating of agriculture services as the above orders this services kept under Cat-V (b) Category (i.e.,) non free. After obtaining of Consumer Forum reports it is observed that Sri. P. Bixapathi, 140505-00111, service the consumer is a Government employee at the time of 04/2005. And now he was a pensioner (from 01.02.2006).
- v. while bi-furcating the category non free by the Field Officers Sri. P. Ravinder 14505-00892 service. As per the Memo. No. CMD / NPDCL/WGL/DE(RAC)/AGL. Services/F. RAC/D. No. 951/05 / Dt. 01.02.2005 ( Item No. 4 & 5). If farmers in dry land areas having more than three connections in the name of their family (Family defined as Husaband, Wife and Dependant). Causing he is coming under family of Pabboj Bixapathi. Hence the service might have been kept under non free quota as per the Section Officer report.

3. The hearing was conducted on 22.06.10 in the Chamber of Chairman / Consumer Grievances Redressal Forum/Corporate Office/APNPDCL/Warangal. The respondents i.e., Assistant Accounts Officer/Sub-ERO/Thorrur, Assistant Engineer/Operation/Thorrur and also UDC, Junior Accounts Officer have attended the hearing. The complainant has also attended the hearing. During the hearing, the respondents have submitted their written statements along with the complainant as follows :-

**The statement submitted by the respondents :-**

The respondents have submitted that, the agriculture consumers of Ammapuram-Village, Thorrur-Mandal, S.C. No. 14505-00111, Sri. P. Bixapathi has attended before Forum at 11.30 A.M. and the following points are discussed.

**Contd.4**

- i. Sri. P. Bixapathi has said that, he is an employee in 04/2004 and 04/2005 and he has retired on 31.01.2006. Now he has not comes under Cat – V “b”.
- ii. when the classification of agriculture in 2005 he is an employee and he has come to non-free agriculture. He has to pay non free amount up to his retirement i.e., 01/2006.
- iii. further soon on receipt of field report based on the above certificates and approval of Divisional Engineer the bill will be revised and will be intimated to the Chairman/Consumer Grievances Redressal Forum/NPDCL/Warangal.

**The statement submitted by the complainant :-**

The complainant has submitted that he has worked as a Carobar in Gram Panchayat in the year 2004 & 2005 and up to 31.01.2006 A.N. i.e., his date of retirement. During the above period he has not paid any income tax. But the respondent i.e., Assistant Engineer/Operation/Thorrur, has instructed him that he has to pay his agricultural service under non free only as he is doing job in Gram Panchayat. The respondents have collected an amount of Rs. 240/- per year from the complainant as if his service comes under non free agricultural service due to refused by the complainant for payment of C.C. bills under non free agricultural service.

The complainant has requested and agreed to pay the C.C. bill for his agricultural service connection under non free up to his date of retirement and thereafter under free agricultural service connection and requested to revise the C.C. bill already issued to him accordingly.

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

Government A.P. have 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 :-

- |   |   |                            |
|---|---|----------------------------|
| <ol style="list-style-type: none"><li>1. Farmers less than three connections in the family name.</li><li>2. Farmers holding up to 2.5. acres of wetland</li><li>3. Farmers holding up to 3.0. acres of dry land.</li><li>4. Non assesseees of income tax.</li></ol> | } | Should adopt DSM Measures. |
|---|---|----------------------------|

As per instructions issued in Memo. No. CMD/NPDCL/WGL/DE (RAC) /Agl. Services/F-RAC/D. No. 951/05/Dt. 1.02.05, Assessee 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.

5. **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 complainant, issued by the concerned authority and if his annual income is below Rs. 50,000/-, his agricultural service shall be changed to free category based on the related documents submitted by the complainant as per the rules in vogue after his date of retirement i.e., 31.01.2006 A.N., onwards.

The respondents are directed to revise the C.C. bills already issued to the complainant as prior to retirement of the complainant, under non free agricultural service connection and thereafter i.e., 31.01.06 A.N., onwards under free agricultural service connection and a compliance report in this regard sent to this Forum within 15 days from the date of receipt of this order.

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 his agricultural service from non-free to free by the respondents concerned.

**6. Reasons for the Delay :-**

There is a delay of about eight 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. The respondents are failing to file their written submissions even in such simple cases and there by the disposal of complaints is becoming difficult and are kept pending beyond the time permitted in the regulation.

The Superintending Engineer/Operation/Warangal is therefore directed to issue suitable instructions to all the field officers in the Circle to file their

written submissions and to attend the hearings conducted by this Forum within the stipulated time to enable the Forum to dispose the complaints with the stipulated period.

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 25<sup>th</sup> day of June, 2010.

Sd/-  
K. RAMESH  
MEMBER (LEGAL)

Sd/-  
A. SUDARSHAN REDDY  
CO – OPTED (MEMBER)

Sd/-  
D. NARSINGA RAO  
CHAIRMAN

Endt. No./CM/C.G.R.F/NPDCL/C.G. No. 273/2010-1 Dt. 25.06.2010.

Copy to :

The Assistant Engineer/Operation/NPDCL/Thorrur.

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.