

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

25th Day of June, 2010.

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

C.G. No. 274/2010 of Warangal Circle

Between

Sri. P. Ravinder
S/o. P. Bixapathi
S.C. No. 14505 – 00892
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. Ravinder, S/o. P. Bixapathi, 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 – 00892, 3 H.P. at Ammapuram, Thorrur-Mandal, Warangal-Dist.

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- ii. The bill was issued for an amount of Rs. 46,979-00 in the month of 02/2010 indicating this service as non free agricultural service.
- iii. When he was enquired in Thorrur Section Office on the above issue there is no suitable response from the Officials.
- iv. He is surviving his life by doing a carpenter work.
- v. He has requested to waive the all arrears on the above service connection treating it as free agricultural service connection, so that he can cultivate his two acres land.

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. 14505-00892, Sri. P. Ravinder, S/o. Sri. P. Bixapathi, has attended before Forum at 12.00 A.M. and noted the following points :-

- a) Sri. P. Ravinder is Son of Sri. P. Bixapathi, and Sri. P. Bixapathi is an employee and who comes under Income Tax Assessee. While releasing the service their family may be Hindu Un-divided Family. Hence the service was classified as V "b", and kept non-free quota.
- b) when he is represented to Consumer Grievances Redressal Forum/NPDCL/Warangal desk he requested that, he was married in 1999 and separated from his father in 2003 and requested to withdraw all the non free amount dues and ready to pay Rs. 20/- per month in Cat - V "a".
- c) it was discussed before Consumer Grievances/ NPDCL/Warangal they are requested that he might have combined family and linked with case of Sri. P. Bixapathi, S.C. No. 14505-0111 and the case may be finalized based on the retired of Sri. P. Ravinder, S/o. P. Bixapathi.
- d) soon on receipt of the field report as stated above duty approval by the Divisional Engineer/Operation /Mahabubabad and opinion of the Consumer Grievances/ NPDCL/Warangal, the bill will be revised and will be intimated to the Chairman/ Consumer Grievances/ NPDCL/Warangal

The statement submitted by the complainant :-

He has submitted that he is working as a Carpenter and not having any income and requested to revise the C.C. bill already issued to his agricultural service connection under free category. Further he has submitted that as per the oral instructions of the Assistant Engineer/Operation/Thorrur he has paid an amount of Rs. 240/- per year as per the free agricultural service connection charges in the year 2005. He has separated with his father in the year 2003 after his

marriage. He has stated that he will submit the all related documents/information to the concerned officials as per the rules in vogue to convert his agricultural service connection from non free agricultural service to free agricultural service connection.

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 :-

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| <ol style="list-style-type: none">1. Farmers less than three connections in the family name.2. Farmers holding up to 2.5. acres of wetland3. Farmers holding up to 3.0. acres of dry land.4. Non assessees of income tax. | } | Should adopt
DSM Measures. |
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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.

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 any other related documents/information available by the complainant to the extent to convert his agricultural non free service connection to free agricultural service connection as per the rules in vogue from the actual date of his eligibility. The respondents are directed to revise the C.C. bills already issued to the complainant duly converting his non free agricultural service to free agricultural service as per the documents / information obtained from the complainant within the prescribed instructions issued by the Government of A.P. in this regard. A compliance report is sent to this Forum with in 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

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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 25th 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. 274/2010-1 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.**