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Court : Andhra Pradesh State Consumer Disputes Redressal Commission
SCDRC Hyderabad

Decided On : Feb-23-2010

Judge : Sri Syed Abdullah Honâ€™ble Member & Sri R. Lakshminarasimha Rao
Honâ€™ble Member

Appeal No. : FA 1363 of 2007 against CD No. 33 of 2006 on the file of the District
Forum, Srikakulam

Appellant : Sakalabhaktula Ramesh

Respondent : Assistant Engineer, E. P.D.C. of A. P. Ltd and Others

Advocate for Pet/Ap. : Counsel for the Appellant: Mr. S. Ramesh (PIP). Counsel
for the Respondents: Mr. O. Manohar Reddy.

Judgement :

Oral order : (as per Sri Syed Abdullah, Honble Member)

Being aggrieved by the order dated 13th July, 2007 passed in C.D. No.33/2006 by the District Forum Srikakulam dismissing the complaint filed for cancellation of the bill demanding to pay Rs.37939.15, which was issued towards consumption of the energy so also to cancel the demand for Rs.1,878.78 issued for surcharge by ordering payment of compensation of Rs.10,000/- against the OPs 1 to 3. The

impugned order is assailed as erroneous and sought to be set aside.

The facts of the case are that the complainant had taken a service connection for his Modern Rice Mill under category No. III situated at Billumada village. Regularly consumption charges were paid without any default. The complainant earlier had filed consumer disputes against the OPs alleging that the department has been issuing wrong bills by filing CDs 11/2003 and 59/2004. Even during the pendency of CDs wrong bill was issued. As per the orders of the District Forum he paid half of the amount. However, OPs have imposed interest and surcharge on the remaining balance. The complainant had paid the same under protest to avoid discontinuing the service. Since 2003 onwards the OPs have been issuing wrong bills. As and when the complainant asked the OPs to improve power factor they began to harass. The OPs have issued a bill dt.26.2.2006 demanding Rs.37,939.15 showing the old balance in it for Rs.63,793/- which includes the amounts due for the pending cases. The OPs have shown the previous meter reading as 81,802 and the present reading as 89,726 units. The consumption units is 7524 as per the meter reading but in the bill they shown units as 9405 units . Minimum charges Rs.1878-75 is also shown besides a surcharge of Rs.1,107.27. When the consumption is only for 7524 units. There is no necessity to charge minimum charges. The complainant approached the OPs requesting them to rectify the wrong bills issued. But invain. Thus the OPs have committed negligence and deficiency in service entitling the complainant to seek for the reliefs.

OP 2 filed its version for all the OPs .

During the enquiry the complainant has filed Ex. A1 demand issued for a sum o Rs..1,01,732/- inclusive of arrears of Rs.69,793/- pertaining to S.C. No.120 along with affidavit of OPs have filed Ex B1 which is a copy of the power factor and demand of payment particulars pertaining to the Service connection. Ex B2 xerox coy of the surcharge recommended for lower factor in respect of the service connection.

The District Forum after going through the factual aspects and evidence on record has adjudicated on the aspect of deficiency in service and wrong billing. The District Forum came to the conclusion that as per the terms and conditions of the

agreement the complainant has to maintain above 0.90 power factor by installing the required capacitors for running the rice mill and since it was not maintained so after issuing a notice for the period 1/2006 a surcharge of 25% was levied basing on the rules for which a notice was issued on February, 2006 and since the complainant failed to prove the improvement power factor he is liable to pay the amount covered by the demand made by the OPs and thereby dismissed the complaint.

There is no dispute that the complainant had entered into an agreement with the department for fulfilling the terms and conditions while consuming the electrical energy by maintaining power factor and in the absence of maintaining power factor, he has undertaken to pay the penalty as surcharge as per rules. Since the OPs have detected below power factor they have issued notice for the period 1/2006 and 2/2006. When the OPs have statutory duty in pursuance of the agreement entered between the parties, it cannot be said that there is deficiency in service on their part. By filing earlier the consumer disputes the complainant had not paid the balance of the arrears so in total the OPs have demanded the amounts along with surcharge. We feel that there is no factual infirmity or illegality in issuing EX A1 demand notice for payment of the consume charges. The appeal is devoid of merits and the order of the District Forum is justified.

In the result, Appeal is dismissed confirming the order passed in CD as justified and consequently the complaint is dismissed.

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