

## BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu, Director (Law) and  
Vidyut Ombudsman**

Dated: 30 -12-2009

**Appeal No. 28 of 2008**

### **Between**

M/s. Siddardha Hatcheries Pvt. Ltd.  
# 12 A / 2, Koppana Complex,  
Bhanugudi Junction,  
Kakinada – 533 003.

*... Appellant*

**And**

1. The Assistant Engineer/Operation/APEPDCL/ U. Kothapalli
2. The Asst. Divisional Engineer / Distribution / APEPDCL / Pithapuram
3. The Asst. Accounts Officer / ERO / APEPDCL / Samalkota
4. Divisional Electrical Engineer / Operation / APEPDCL / Kakinada

*... Respondents*

The appeal / representation dated 09.12.2008 of the appellant has come up for final hearing before the Vidyut Ombudsman on 30.12.2009, and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

### **A W A R D**

Aggrieved by the order passed by the Forum for Redressal of Consumer Grievances of APEPDCL (for short the "Forum") in C.G. No. 230/ 2008 of E.G.Dist dated 12.11.2008, the appellant herein filed appeal / representation dated 09.12.2008.

2. In his representation the appellant has stated that:

(a) their's is a shrimp Hatchery, named Siddardha Hatcheries (P) Ltd, entire power consumption is for processing purpose only. The lighting points is at the processing places only. There are no other lighting points at any other places.

(b) in the year 2003, a notice was received by him from electricity department for Rs.57,308/- as shortfall amount and a payment for the same amount was raised.

(c) He requested in his appeal to consider the entire consumption as processing consumption only. This splitting into processing and lighting load is unwarranted in their case.

3. The appellant herein filed CG No. 05/08 before the Forum on 30.04.2008 for redressal of his grievance relating to dispute in category change, on that the respondents were directed to take necessary action as per the clarification given by the DE / operation / Kakinada within 15 days from the date of receipt of the order.

4. The appellant has filed a complaint before the Forum on 23.08.2008 to consider their case on par with Sri Bala Tripura Sundari Aqua Products Pvt. Ltd and Bay Fry (P) Ltd vide CG No. 05/08 of E.G.Dist and finally prayed for conversion of Cat-III to Cat – IV, on this the Forum passed the following order.

*“In view of the findings with reference to the written submissions of the respondents, the Forum directs complainant to pay the Lighting load charges under Cat-II as billed by the respondents, Further the prayer of the complainant for change of his services from Cat-III to IV shall not be considered, since it is not under the purview of the Forum and in terms of Tariff Order, all hatcheries shall be under Category-III only. They shall pay the bills as per the Tariff applicable to the category-III subject to the conditions laid down thereunder.*

*The respondents are directed to realize the dues from the complainant as per the rules and practice in vogue.”*

5. Aggrieved by the said order, the appellant preferred this appeal projecting the same, but mentioned different grounds in the appeal claiming that the entire power consumption is on processing only. Probably, this ground is based with an intention to facilitate the conversion from Cat-III to Cat-IV. No other data is placed before the Ombudsman. In pursuance of the directions given the Asst.Accounts Officer filed his order dated 03.01.2009 and the Divisional Engineer / Operation / Kakinada filed order dated 06.01.2009 after receiving the notice of hearing, sent by the Ombudsman.

6. When the matter is posted to 30.12.2009 and notices were sent to both the parties, the appellant sent a letter dated 12.12.2009 stating that they are unable to attend the hearing on 30.12.2009 and also stated that the appeal filed by them may be treated as null and void by allowing the demands of electricity as proper.

7. In view of the above stated letter, it is to construe that there is no case for the appellant and infact it is to be treated as withdrawal. There are no merits in the matter, hence the claim made by the appellant is rejected.

8. In the result, the appeal is disposed of in terms of the above said observations as made above.

This order is corrected and signed on the 30<sup>th</sup> day of December 2009.

**VIDYUT OMBUDSMAN**