

**BEFORE THE FORUM FOR REDRESSAL OF CONSUMER GRIEVANCES  
OF SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED  
TIRUPATI**

**This the 9<sup>th</sup> day of August 2012**

**C.G.No:121/2012-13/Tirupati Circle**

*Present*

*Sri K. Paul  
Sri A.Venugopal  
Sri T.Rajeswara Rao  
Sri K. Rajendra Reddy*

*Chairperson  
Member (Accounts)  
Member (Legal)  
Member (Consumer Affairs)*

*Between*

Sri Sanjeevi  
Manager  
Evershine Granite Exports  
Lakshmipuram Village & Post  
Kuppam  
Chittoor-Dist

Complainant

*And*

1. M.D/RESCO/Kuppam

Respondents

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Sri Sanjeevi, Manager of Evershine Granite Exports, Lakshmipuram Village & Post, Kuppam, Chittoor-Dist herein called the complainant, in his complaint dt:16-6-2012 filed in the Forum on dt:16-6-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. They are running industry under the title Evershine Granite Exports under the jurisdiction of RESCO Kuppam and the industry is having two numbers services bearing SCNo: 1107 with 140HP and 1066 with 73 HP.
2. They have switched over to APSPDCL from RESCO because of exceeding CMD and power shortage with RESCO
3. The MD, RESCO, Kuppam keeping in mind about the switching over harassing them and disconnected the service numbers 144, category –I and

410 under category-II and 996 under category-III all connected to the evershine group of industries, unnecessarily though they are paying C.C.Charges upto 3/2012.

4. Though represented and personally explained their problems, supply is not restored to the above services.
5. They are prepared to pay the any dues pending in respect of the above 3 services.
6. Requested for suitable orders for restoration of supply to the said services.

Notices were served upon the respondents duly enclosing a copy of complaint.

**The respondent-1 i.e. the M.D/RESCO/Kuppam in his written submission dt:20-6-2012 with a copy to the complainant received in this office on dt:22-6-2012 stated that:**

1. M/s Evershine Granite quarrievs, Lakshmipuram in their letters dt:19-12-2011 have requested for permanent dismantlement of HT service of
  - a. ISC No: 1107/140HP Lakshmipuram Distribution.
  - b. ISC No: 1066/73 HP Lakshmipuram Distribution.
2. With references to the letters dt:19-12-2011 in this office letter DNo:622/12 dated 14-3-2012 it was informed to pay the demand charges upto 03/2012 and dismantle charges in terms of the general terms of conditions of supply wide rule 5.9.4.2.
3. But even after lapse of 3 months the firm did not respond to arrange the dues and dismantle charges till to date.
4. On payment of the amount communicated to the consumer the services will be ordered for dismantlement as requested by them.

### **Findings of the Forum:**

1. The grievance of the complainant is about disconnection of their 3 numbers services under LT for non payment of demand charges upto 3/2012 in respect of their other two services under HT in view of their switching over to APSPDCL from RESCO and serving notice to the company on 19-12-2011.
2. The respondents served a notice to the complainant to pay an amount of Rs 26238/- in respect of SCNo: 1066 and Rs 162214/- in respect of service number 1107 in view of the permanent dismantlement of their HT services from the RESCO end.
3. The respondents while quoting the clause 5.9.4.2 of GTCS, treated the letter of the complainant dt; 19-12-2011 as 3 months notice for dismantlement of their services from their end and demanded for the charges for 3 months i.e. up to 3/2012 for a total amount of Rs 1,88,542/- for dismantlement of both the services.
4. But the complainants without paying the said amounts and terminating their agreement with RESCO, switched over to the power from APSPDCL.
5. The action of the respondents in disconnecting the other services of the firm for non payment of CC.Charges till the date of termination of the agreement is in order, but as per Clause 5.9.4.1 , one month notice is sufficient for termination of LT supply. Hence the complainant is liable to pay one month charges instead of that claimed for three months to the RESCO and can go for power from APSPDCL duly following the procedures of application and agreement.

6. Since the RESCO and APSPDCL are two different licensees having distribution license, one licensee cannot supply power to the premises where there is already power extended from other licensee from the same network.

In view of the above, the Forum passed the following order.

**ORDER**

The respondents are directed to

1. Issue revised notice limiting the bill for one month charges duly reducing the amount towards SD available and ICD due if any to the consumer.
2. The complainant shall pay the amounts as per revised notice.

Accordingly the case is allowed and disposed off

If aggrieved by this order, the complainant may represent to the Viduyt Ombudsman, O/o the APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 9<sup>th</sup> day of August 2012.

Sd/- <b>Member (Legal)</b>	Sd/- <b>Member (C.A)</b>	Sd/- <b>Member (Accounts)</b>	Sd/- <b>Chairperson</b>
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**Forwarded by Orders**

**Secretary to the Forum**

To  
The Complainant  
The Respondents  
Copy submitted to the Honourable Ombudsman, APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.

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