

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

This the 28th day of September 2012

C.G.No:189/2012-13/ 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. V.Karuna Reddy,
Managing partner of Arrow Rubber Factory,
Vavilthota Road., Near railway Gate,
Puthapattu Mandal,
Chittoor-Dist-517127.

Complainants

And

1. Assistant Engineer/Operation/Puthalapattu
2. Assistant Divisional Engineer/Operation/R-II/Chittoor
3. Senior Accounts Officer/Operation/Tirupati
4. Superintending Engineer/Operation/Tirupati

Respondents

Sri. V.Karuna Reddy, Managing partner of Arrow Rubber Factory, situated at Vavilthota Road., Near railway Gate, Puthapattu Mandal Chittoor-Dist-517127 herein called the complainant, in his complaint dt:14-9-2012 filed in the Forum on dt:14-9-2012 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 from M/s Arrow Rubber factory situated at Vavil thota railway gate, Putalapattu, running since 2004 onwards with capacity of 120 KVA.

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2. In the year 2011-12 company has gone for expansion and applied for 60 KVA additional load.
3. The same load has been approved by department and obtained approval from CEIG, Kurnool.
4. They paid Rs. 90,000/- as development charges and Rs. 90,000/- as Security Deposit charges through DD.Nos: 371804, 371805 dt:19-5-2012 respectively.
5. The papers approval of CIEG and demand drafts Rs 90,000/- drawn on DE/O/APSPDCL/CHITTOOR above have been handed over by them to the DE/R-II/Chittoor on 20-5-2012 requesting to release the power.
6. But in fact, the power has been released on 17-8-2012 lately by 3 months in the mean time their consumption of MD and energy shot up by 30 to 40MD in the months of June, July, August for which the department has laid penalty in the monthly bills.
7. Now they request to waive the penalties and adjust it in the future bills as the company has been effected due to lack of immediate service from the department.

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

The respondent-4 i.e. the Superintending Engineer/Operation/Tirupati in his written submission dt:26-9-2012 received in this office on dt:26-09-2012 stated that

1. The honourable Forum for the redressal of consumer grievance, APSPDCL has called upon to file written submission along with

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relevant documental evidence regarding addl. Load released in respect of HT 295 TPT of M/s Arrow Rubber factory, Puthalapattu village.

2. The DE/Operation/Chittoor has submitted the documents of agreement executed by the consumer, test reports, MD reset date letter of DE/M&P/Tirupati are clearly stated the addl. Load of 60 KVA was released on 17-8-2012.
3. The consumer has signed with factory seal in agreement on Non judicial stamp papers with date of 17-8-2012 worth of Rs. 100/- vide No.AV294239.
4. Further, the consumer has also signed with factory seal in HT test reports. This test reports contains “32 questioner items” of address, load, category date of agreement, date of supply, payment of SD, Meter No, SE sanction reference etc.. So, it reveals that the consumer has signed knowingly after satisfaction of entries filled in agreement papers as well as test reports.
5. After verification of all these documents that this office has updated the addl. Load in master at in house immediately w.e.f 17-8-2012.

Findings of the Forum:

1. The grievance of the complainant is that penal charges were levied for their HT service for exceeding the CM Demand of 120 KVA in the months of June, July and August though they have paid the necessary charges for additional load of 60 KVA over and above the CMD on 20-05-2012 itself but the release of additional load was delayed by the department.

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2. The said grievance is related to delay in release of additional load to his HT service. He paid the necessary amounts on 20-05-2012. In accordance with the Guaranteed Standards of Performance, additional loads in case of supply at 11 KV has to be released within 60 days of receipt of the prescribed charges. In this case, the respondents should have released the said additional load by 19-07-2012 itself, where as the same was released on 17-08-2012, ie the 89th day. As such the delay is 29 days with the 60 days period allowed as per standards of performance.
3. As could be seen from the documents produced by the respondents, the release was ordered by the DE/Operation/Chittoor on 29-07-2012, whereas the meter was tested on 17-08-2012. The CEIG approval was dated 10-05-2012. The necessary agreement was also concluded by the complainant with the respondents on the same day of testing, i.e., 17-08-2012. while the date of purchase of the bond papers was 30-05-2012 and handing over of all the other papers and payments excepting the agreement papers was on 20-05-2012 (as stated by the complainant).
4. For the delay, the respondents are liable to compensate the complainant @ Rs.250/- for each day of delay and the total amount of compensation payable is Rs. 250/- X 29 days= Rs.7,250/-.
5. The other point of consideration is the levy of penalty for exceeding the MD by the complainant for the months of June, July and August 2012. The complainant is not supposed to utilize any load that was not yet released by the licensee without concluding Agreement, the date of

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which is said to be the date of release of supply. The complainant shall wait for such release of the additional load. However, it is felt appropriate to release the service with effect from 20-07-2012 duly incorporating the same in the Agreement. The penal charges levied if any for exceeding the MD on or after 20-07-2012 shall be withdrawn.

6. As such, the contention that the said penalty was resulted due to lack of immediate service from the department is not accepted in full in the light of the Guaranteed Standards of Performance and the Forum feels that the complainant is liable to pay the demand charges with penal rates up to 20-07-2012
7. In this case, the complainant already made the payments but requested for waiver of the same and adjust to the future bills which is partially accepted.

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

ORDER

The relief sought by the complainant is contra to the General Terms and Conditions of Supply to some extent.

The respondents are directed that

1. the penal charges for exceeding the CMD on or after 20-07-2012 shall be withdrawn.
2. the amount of compensation Rs.7,250/- shall be remitted to the complainant's service and adjusted in its future bills within 15 days from the date of this order.

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3. the items-1&2 of the above order shall be complied with within 21 days from the date of this order.

Accordingly the case is allowed partially and disposed off.

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

Signed on this the 28th day of September 2012.

Sd/-
Member (Legal)

Sd/-
Member (C.A)

Sd/-
Member (Accounts)

Sd/-
Chairperson

Forwarded by Orders

Secretary to the Forum

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

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