

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

This the 3rd day of August 2012

C.G.No:2/2012-13/Nellore 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 M.Subba Ramaiah
Proprietor of Sumangali Kalyana Mandapam
Stonehouse pet
Nellore Post & Town
Nellore-Dist-524003

Complainant

And

1. Assistant Accounts Officer/ERO/Town-2/Nellore
2. Assistant Divisional Engineer/Operation/Town-2/Nellore
3. General Manager/Internal Audit/SPDCL/Tirupati
4. Senior Accounts Officer/Operation/Nellore

Respondents

Sri M.Subba Ramaiah, Proprietor of Sumangali Kalyana Mandapam resident of Stonehouse pet, Nellore Post & Town, Nellore-Dist-524003 herein called the complainant, in his complaint dt:2-4-2012 filed in the Forum on dt:2-4-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is a registered consumer of SCNo: 165495 N45 /LT category-II with the title Sumangali Kalyanamandapam at Stone house pet of Nellore Dist with a contracted load of 55KW.

2. The above service was released with HT metering during 4/2010 and regularly paying C.C.bills with no complaints.
3. The AAO/ERO/Town-2/Nellore in her letter dt:2-3-2012 issue notice demanding payment of Rs 63,923/- being the shortfall amount for the months of 5/2011, 7/2011 and 11/2011 billing the service under HT for exceeding MD 70KVA.
4. He never utilized excess load over and above the contracted load of 55KW since the date of release i.e. 4/2010.
5. The power supply for the service is utilized only for not more than 7 days in a month on auspicious dates and Marriage Muhurthams.
6. Their's is a seasonal load hardly utilized for 6 months in a year.
7. The RMD may be recorded maximum in KVA and it is boost up above 70KVA in a particular hour in a day, in a month and in a year due to various factors including technical reasons / faults in power supply and electrical operators etc.
8. The exceeding of RMD is not due to their fault, but due to other technical reasons.
9. He had exceeded the RMD only in three months i.e. 5/2011, 7/2011 and 11/2011 but not the entire year, so that billing of his service under HT category-II is not applicable.
10. The procedure of physical inspection of service and issuance of one month notice for regularization of additional loads is not followed in respect of his service.
11. The provision of 3% units in total consumed units where the metering is on HT side of the service is not followed in his case.

12. In case of LT category-II services bill shall be issued through spot billing machines which is not done so in his case.
13. The Kalyanamandapams also shall be treated on par with industrial services and shall be allowed for utilization under LT-II for a load of upto 100HP.
14. Requested for issuance of necessary orders to the officers not to proceed further for non payment of shortfall amount Rs 63923/- and not effect disconnection of his service.

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

The respondent-1 i.e. the Assistant Accounts Officer/ERO/Town-2/Nellore in his written submission dt:10-4-2012 received in this office on dt:13-4-2012 stated that:

1. The internal audit authorities have levied shortfall amount of Rs 63,923/- in respect of USC.No.3321308165495/N4S of Stone house pet section for the months of 5/2011, 7/2011 and 11/2011 towards the consumption billed under HT category-II for which RMD exceeds 70KVA.
2. This service was released on 20-APR-2010 with contracted load of 55KW.
3. It is further that as per general terms and conditions of supply where the recorded maximum demand is exceeds 70KVA/ the connected load is exceeds 56KW, the service shall be at the respective HT tariff rates.
4. Hence, the service may be billed under HT category-II and the billing particulars are as follows:

Details of ISC No.308165495/N4S of Stone House pet.

Month	Units	RMD	Already billed (LT category-II)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
May-11	2778	81.9	17909.50	40.00	0.00	0.00	0.00	17949.50
Jul-11	3327	100.5	21478.00	40.00	0.00	0.00	0.00	21518.00
Nov-11	3117	90.7	20113.00	40.00	0.00	0.00	0.00	20153.00
Total	9222		59500.50	120.00	0.00	0.00	0.00	59620.50
Month	Units	RMD	To be billed (HT category-II)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
May-11	2778	81.9	13334.40	1125.00	20475.00	2100.00	400.03	37434.43
Jul-11	3327	100.5	15969.60	1125.00	25125.00	2100.00	479.09	44798.69
Nov-11	3117	90.7	14961.60	1125.00	22675.00	2100.00	448.85	41310.45
Total	9222		44265.60	3375.00	68275.00	6300.00	1327.97	123543.57
Month	Units	RMD	To be Raised (Shortfall amount)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
May-11	0	81.9	- 4575.10	1085.00	20475.00	2100.00	400.03	19484.93
Jul-11	0	100.5	- 5508.40	1085.00	25125.00	2100.00	479.09	23280.69
Nov-11	0	90.7	-5151.40	1085.00	22675.00	2100.00	448.85	21157.45
Total	0		- 15234.90	3255.00	68275.00	6300.00	1327.97	63923.07

5. Further it is to submit that while reviewing the C.T.Meter book for the period of Feb/2012 & March/2012 the recorded maximum demand also exceeds 70KVA.
6. Hence the HT category-II tariff rates may be applied for the both Feb/2012 and March 2012.

The calculation particulars are as follows.

Details of ISC.No. 308165495/N4S of Stone house pet section.

Month	Units	RMD	Already billed (LT category-II)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
Feb-12	4566	93	29531.50	40.00	0.00	0.00	0.00	29571.50.
Mar-12	2476	84.9	15946.50	40.00	0.00	0.00	0.00	15986.50
Total	7042		45478.00	80.00	0.00	0.00	0.00	45558.00
Month	Units	RMD	To be billed (HT category-II)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
Feb-12	4566	93	21916.80	1125.00	23250.00	2100.00	657.50	49049.30
Mar-12	2476	84.9	11884.80	1125.00	21225.00	2100.00	356.54	36691.34
Total	7042		33801.60	2250.00	44475.00	4200.00	1014.05	85740.65
Month	Units	RMD	To be Raised (Shortfall amount)					
			Eng. Chg.	Cust.Chg	M.D.Chg	Tr.HC	Tr.Loss	Total
Feb-12	0	93	- 7614.70	1085.00	23250.00	2100.00	657.50	19477.80
Mar-12	0	84.9	- 4061.70	1085.00	21225.00	2100.00	356.54	20704.84
Total	0		- 11676.40	2170.00	44475.00	4200.00	1014.05	40182.64

The respondent-4 i.e. the Senior Accounts Officer/Operation/Nellore in his written submission dt:25-4-2012 received in this office on dt:27-4-2012 stated that:

1. The SCNo: 3321308165495, Sumangali Kalyanamandapam, Stone house pet, Nellore released on 20-4-2010 with contracted load 55KW (68, 75KVA) in the name of Sri M.Subba Ramaiah.
2. The internal auditors reviewed the meter reading book (MRB) in February 2012 and it is noticed that the consumer utilizing excess load during 05/2011, 7/2011 and 11/2011 as 81.9, 100.5, 90.70 KVA respectively.

3. As per the terms and conditions of the supply below 70KVA (56KW) is permitted under LT, if exceeds the load, supply is to be utilized under HT of respective category, in this case HT-II.
4. Accordingly the bill revised under HT category-II for the said 3 months vide I.A slip No. 12/12.
5. The Assistant Accounts officer/ERO/T-II/Nellore issued 15 days notice to the consumer to pay the difference amount of Rs 63,923.00 (sixty three thousand nine hundred and twenty three only) vide her LrNo.161, dt:02-03-2012.
6. As per the MRB also the connected load of the service (RMD) 10-5-2011 -81.9KVA, 12-07-2011-100.5 KVA and on 11-11-2011 -90.70 KVA.
7. The utilization of excess load by the consumer is not on assumption, it was actually recorded in the meter and also recorded in the MRB and bill served to the consumer for the respective periods.
8. The utilization of consumption in how many days in a month is not a base for recorded maximum demand.
9. The recorded maximum demand is the utilization of load for 30 minutes block period during the month is the criteria for billing.
10. Whenever the consumption not utilized, then minimum bills issued and paid by the consumer as per the terms and conditions of supply.
11. Billing is to be made for the actually utilized consumption or minimum where as the LT or HT is to be defined based on the load sanctioned/ utilized.
12. The meter condition is healthy and recorded for readings properly and the consumer also agreed except KVA recorded.

13. The consumer is at liberty to challenge the correctness of the meter by duly paying necessary testing charges about technical defects of the meter if any.
14. The RMD exceeded than the LT limits, only in such months the HT billing is made, for the remaining months LT billing made.
15. Regarding billing programme for HT category-I and HT category-II i.e. automatic billing for under HT whenever RMD exceeds than LT limits is a internal mater of APSPDCL.
16. But as per the terms & conditions of the supply the HT billing is to be made (under respective category) whenever LT limits exceeded.
17. However, the billing software suitably changed within a short period for LT category-II also as in a the case of LT category-III A.
18. Whenever loads exceeds during particular months, in such months only, the bills revised under HT, for the remaining months bill continued under LT.
19. Issue of notice for excess load and regularization of additional load by paying necessary charges is different aspect.
20. But billing is to be made as per the RMD by duly applying respective category rates not with penal rates.
21. The consumer utilized excess load and come under HT category-II accordingly billing is made i.e., he is not eligible for 3% benefit.
22. The RMD exceeded than the LT limits, only in such months the HT billing is made, for the remaining months LT billing made. Regarding billing programme for HT category-I and HT category-II i.e. automatic billing of under HT whenever RMD exceeds than LT limits is a internal

mater of APSPDCL. But as per the terms & Conditions of the supply the HT billing is to be made (Under respective category) whenever LT limits exceeded. However, the billing software suitably changed within a short period for LT category-II also as in the case of LT category-III A.

23. The billing under HT category-II when ever RMD exceeded than LT limit is quite correct as per the terms and conditions of the supply. Hence, no illegal and arbitrary. Further, the consumer himself agreed about MD utilized whenever the functions performed 4 or 5 days in a month. Hence, the billing is correct.
24. Upto 100HP billing under LT category is eligible for only LT category-III (A) that too rice mills only. No other LT category is to be permitted to utilize 70KVA and above under LT.
25. LT or HT billing is to be made according to the terms and conditions of the supply for which the consumer also agreed while entering into agreement i.e. test report and application for LT supply.
26. Further it is submitted that the RMD of the said service exceeded than the sanctioned load and LT limits for the below mentioned periods also as noted against each month in addition to the May, July and November 2011.

<u>Month</u>	<u>RMD</u>
06/2011	92.40
10/2011	94.20
12/2011	92.60
01/2012	93.30
02/2012	93.00
03/2012	85.00
04/2012	94.10

27. The bills for the above months also revised under HT category-II and arrived the difference amount as Rs 145845.00 (40182.65 + 105662.38) by the AAO/ERO/Town-II/Nellore and issued notice to the consumer vide.
- a. Lr.No.AAO/ERO/Town-II/NLR/JAO/Jr.A/F.No.8/DNo:262/12,
dt:10-4-2012.
- b. Lr.No.AAO/ERO/Town-II/NLR/JAO/Jr.A/F.No.8/DNo.288/12,
dt:24-4-2012.
28. In view of the above, it is requested to issue necessary instructions to the consumer to pay the difference amount i.e. difference between LT category-II rates and HT category-II rates (for total amount of Rs 2,09,768.00 (63,923.00 + 1,45,845.00) Rupees Two lakh nine thousand seven hundred and sixty eight only).

Findings of the Forum:

1. The grievance of the complainant is that billing of his seasonally used LT category-II service under HT category-II is unjust for just simply exceeding the RMD for three months in a year and requested for withdrawal of the difference amount on account of the HT billing.
2. The grievance of the complainant is about the billing which is to be resolved within 7 days from the date of the complaint in accordance with the Guaranteed Standards of Performance.
3. Here in this case, the complaint was made on 04-04-2012 and is to be resolved by 11-04-2012 duly observing its fitness.

4. The complainant's service was released on 20-4-2010 for a load of 55 KW in the name of Sri Mulumusi Subba Rao under LT Category-II and is being utilized for Kalyanamandapam since the release of the service.
5. The complainant exceeded the contracted load of 55KW in the months of 5/2011, 6/2011, 10/2011, 11/2011 12/2011, 1/2012, 2/2012, 3/2012, 4/2012 and 5/2012 i.e. almost continuously for ten months out of 12 months and hence is habituated in exceeding the contracted load.
6. Though the complainant mentioned that the nature of the service is seasonal, but it is almost the year and even after issuance of the notice contracted load is exceeded indicating that the consumer cannot limit his loads and there is no other possibility except regularizing the additional load.
7. The complainant compared his service with rice mills classified under industrial category which is not correct in accordance with the tariff orders communicated from time to time.
8. The levy of shortfall for the months during which the RMD exceeded 70KVA is in accordance with the tariff order for the financial year 2011-12 and cannot be waived as requested by the complainant.
9. As such the request of the complainant to pass necessary instructions to the officers concerned not to proceed further for non payment of shortfall amount Rs 63,923/- and the relevant surcharges and not to disconnect their service is not accepted.

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

ORDER

1. The complainant is advised to pay the amounts of demand Rs 63,923/- along with surcharge if any levied there upon to avoid disconnection of his service
2. It is also advised that the complainant shall regularize the additional loads as per the recorded highest MD, if he prefers for.

Accordingly the case is disallowed 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 3rd day of August 2012.

Sd/-	Sd/-	Sd/-	Sd/-
Member (Legal)	Member (C.A)	Member (Accounts)	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.