

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

This the 21st day of December 2012

C.G.No:213/2012-13/Vijayawada 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. N.Rama Krishna, President
IDA Kondapalli Industries Association,
Lakshmi Organics Private Limited
Plot No:53 G&J
IDA, Kondapalli
Krishna-Dist

Complainant

And

1. Assistant Engineer/Operation/Kondapalli
2. Assistant Divisional Engineer/Operation/Ibrahimpattanam
3. Chief General Manager/Finance/APSPDCL/Tirupati
4. Divisional Engineer/Operation/Rurals/Vijayawada
5. Senior Accounts Officer/Operation/Vijayawada

Respondents

Sri. N.Rama Krishna, IDA Kondapalli Industries Association, Lakshmi Organics Private Limited Plot No:53 G&J IDA, Kondapalli Krishna-Dist herein called the complainant, in his complaint dt:09-10-2012 filed in the Forum on dt:09-10-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. In addition to scheduled power cuts, power cuts are implemented without any notice during nights. For example on 06-10-12, there is no power from 10:00PM to 6:00 AM.

2. Department is not implementing proceeding no APERC/Secy/14/2012-13 dt:14-09-12.
3. They are prepared to purchase power at Rs.10 per unit during scheduled power cuts, but why the APSPDCL is not able to supply even though idle generating capacity is available in the state to supply power at the above price.
4. APSPDCL levied FSA charges for the year 2008 & 2009. Both LT & HT consumers got stay orders from Honourable High Court. After the stay order FSA arrears are not reflected in HT service bills, but for LT consumers the arrears are shown in the regular bills and surcharge is being levied on the arrears in every month bill till today.
5. Requested to delete FSA arrears and credits the surcharge levied on FSA arrears in their future bills.

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

The respondents 1 i.e. the Chief General Manager/Finance/ APSPDCL/ Tirupati in his written submission dt:05-11-2012 received in this office on dt:09-11-2012 stated that:

1. The complaint is not specific and clear. However it is inform that power restriction have been imposed in the jurisdiction of APSPDCL as per the power vested vide clause No:16 of GTCS due to non availability of power.
2. Regarding surcharge the FSA, the complaint is not specific with regard to the period of FSA. Hence the reply cannot be submitted.

Findings of the Forum:

1. The grievance of the complainant comprises of two items out of which the first one is about irregular power cuts and if the power is insufficient, they are prepare to purchase at Rs.10/- per unit during the periods of

power cut and the second item is about levy of fuel surcharge for the year 2008-09 for LT consumers.

2. Requested for supply of power at Rs.10/- per unit during the power cut period and withdrawal of Fuel Surcharge Adjustment (FSA) on LT consumers along with the surcharges.
3. The respondent-3 i.e. CGM/Finance/APSPDCL/Tirupati in his reply stated that
 - a. The power restriction has been imposed in the jurisdiction of APSPDCL as per the powers vested vide clause number:60 of GTCS due to non availability of power.
 - b. Regarding surcharge the FSA the complaint is not specific with regard to the period of FSA.
4. The complainants main contention is that the licensee is not implementing the proceedings dt: 14-09-2012 of the honourable APERC.
5. The other point is that the licensee is unnecessarily levying FSA on the LT consumers for the year 2008-09 though there are stay orders from honourable high court and requested for deleting the FSA arrears and credit the surcharge levied in the future bills, but where as the respondents mentioned that the period is not specific and hence could not be replied.
6. It is not understood whether the licensee implemented the stay orders of the AP High Court or challenged the matter in the higher court. If not the licensee has to implement the orders of the honourable high court.
7. Regarding purchase of power at Rs.10/- per unit during the restriction period the complainant may approach the honourable APERC for solution.

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

ORDER

The complainant is advised that

1. He may approach the honourable APERC in the matter of R&C and purchase of power at Rs.10/- during the R&C period.
2. He may refer any specific case with regards to FSA in the Forum for review and pass such appropriate orders.

Accordingly the case is allowed 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 21st day of December 2012.

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