

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

This the 7th day of December 2012

C.G.No:214/2012-13/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. P.Venkateswara Rao
C/o Visweswarao,
Kadimi Pothavaram,
Penupaka Hamlet Post,
G.Konduru Mandal,
Krishna-Dist

Complainant

And

1. Chief General Manager/Operation/APSPDCL/Tirupati
2. Chief General Manager/Finance/APSPDCL/Tirupati

Respondents

Sri. P.Venkateswara Rao, C/o Visweswarao, resident of Kadimi Pothavaram, Penupaka Hamlet Post, G.Konduru Mandal, 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. He is a HT consumer with SCNo: 952 VJA at Kadimi, Pothavaram Village of G.Kondur Mandal in Krishna-Dist.
2. The minimum deposits monthly payment should be removed in months of the restricted power supply weekly 30:00 to 40:00 hrs.
3. ACD deposit must be removed.

4. Current bills monthly only for the energy consumed but not for the minimum bill.

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

The respondents 1 and 2 i.e. the Chief General Manager/Operation/ APSPDCL/ Tirupati and the Chief General Manager/Finance/APSPDCL/Tirupati in their combined written submission dt:31-10-2012 received in this office on dt:01-11-2012 stated that:

1. As per the tariff order for the year 2012-13 for retail supply, billing demand for HT-1 category, shall be the maximum demand recorded during the month or 80% of the contracted demand, whichever is higher and energy charges will be billed on the basis of actual energy consumption or 50 KVAH per KVA of billing demand whichever is higher.
2. Regarding ACD, as per clause (2) of section (4) of the regulation 6 of 2004 of APERC the HT consumers shall at all times maintain with the licensee an amount equivalent to consumption charges (i.e. demand charges and energy charges, etc. as applicable) of two months as security during the period the agreement for supply of energy to such HT consumers is in force. And as per clause (10) of section (5) of the above said regulation, the adequacy of the amount of security deposit in respect of consumers shall be reviewed by the licensee generally once in every year based on the average consumption for the period representing 12 months from April to March of the previous year. And based on such review, demand for short fall or refund of excess will be made by the licensee. Hence the consumer objection for payment of ACD can't be considered.

3. As per the orders of APERC issued vide proceedings No: APERC/Secy/14/2012-13 dt: 14-09-2012, the billing demand shall be the maximum recorded demand during the month and clause 213.6 (6) of the tariff Order for the FY 2012-13 shall not apply during R&C measures. The above proceedings was came in to force with effect from 17-09-2012.
4. Hence, the action of the respondents in issuing CC.bills with MM.Charges/ACD demand as stated above is correct. There is no deficiency of service on the part of respondents.

Findings of the Forum:

1. The grievance of the complainant is that the levy of monthly minimum charges shall be dispensed with and only the energy charges as per the consumption shall be collected and also the ACD deposit must be removed.
2. The grievance of the complainant relates to billing matters which is to be resolved within 7 working days from the date of the complaint where additional information is required.
3. The Respondents reported that, the charges claimed from the consumers is as per the tariff order for the year 2012-13 against HT-1 category and the demand will be 80% of the contracted demand or the recorded maximum demand which ever is high .
4. Regarding ACD amounts the HT consumers shall all times maintain with the licensee an amount equivalent to consumption charges of two months as security during the period agreement for supply of energy as per clause-2 of section 4 of the regulation 6 of 2004 of APERC.

5. The licensee every year reviews the consumption and the bills for a period of 12 months from April to March and the average of highest 4 consecutive months bill amounts is taken to calculate the security deposit for the succeeding year. Any shortfall in deposit shall be paid by the consumer to maintain the minimum deposit.
6. As such the request of the complainant for exemption in payment of ACD is not considered.
7. Regarding billing during R&C period the respondents reported that the billing demand shall be the maximum recorded demand during the month and shall not applicable during R&C measures.
1. Both the items raised by the complainant i.e. collection of ACD and demand based billing are decided by the honourable APERC and communicated through the tariff order for the respective years and hence the complainants may have to put forth their above grievances before the honourable APERC.

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

ORDER

1. The complainant can claim refund of security deposit as per regulation 6 of 2004 to the licensee in case excess deposit available than actual requirement.
2. The complainant shall make specific complaint regarding actual energy consumed duly enclosing the copy of the bill for examination of the case on merits.

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 7th day of December 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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