

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

This the 22nd day of November 2012

C.G.No:217/2012-13/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 B. Suryanarayana Reddy
Vijaya Coir Industries (P) Ltd.
Plot No:20B., Ida Kondapalli
Kondapalli Post
Ibrahimpattanam Mandal
Krishna-Dist-521228

Complainant

And

1. Chief General Manager/Operation/APSPDCL/Tirupati
2. Chief General Manager/Finance/APSPDCL/Tirupati
3. Superintending Engineer/Operation/Vijayawada

Respondents

Sri. Suryanarayana Reddy, Vijaya Coir Industries (P) Ltd. resident of Plot No:20B, IDA Kondapalli, Kondapalli Post, Ibrahimpattanam Mandal, Krishna-Dist-521228 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 consumer with SCNo: VJA 3121 for his Industry under Title Vijay Coir Industries Pvt Limited at IDA Kondapalli of Krishna-Dist.
2. The CMD Charges for his above service are levied in full though the power supply was made only for 18 days in a month instead of complete month.
3. Requested for levy of MD charges in proportion to the supply days.

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

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

1. As per the tariff order for the FY 2012-13 for retail supply, billing demand for HT-I 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 50KVAH per KVA of billing demand whichever is higher.
2. The orders of APERC issued vide proceedings No: APER/Secy14/2012-13 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.
3. The above proceedings came into force with effect from 17-09-2012.
4. Hence, the action of the respondents in issuing C.C.bills with MM.Charges as stated above is correct.
5. There is no deficiency of service on the part of the respondents.

Findings of the Forum:

1. The contention of the complainant is that the licensee is levying demand charges in full though the supply is made available for part of the month the balance being power holiday and requested for levy of the MD charges in proportion to the supply availability.
2. The respondents for the above remarked that the MD charges are levied in accordance with the tariff order approved by the APERC for the year 2012-13 only upto 16-09-2012 beyond which date the billing demand shall be the maximum demand recorded during that month and shall not apply during R&C measures.

3. As such the contention of the complainant regarding the said item of levying MD charges by the licensee is irregular is not accepted as it is in accordance with the tariff order and the subsequent proceedings of the APERC.
4. The said item is not within the perview of the Forum and hence he may have to represent the matter before the honourable APERC seeking the said relief upon which the honourable APERC may decide and the decision made above is final.

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

ORDER

The complainant is advised that he may approach the honourable APERC the competent authority to decide the tariff and request for the said relief.

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 22nd day of November 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.

Filename: Order.217.doc
Directory: E:\CGRF Cases\Cases 2012-13\Vijayawada\VJA 217
Template: C:\Documents and Settings\Administrator\Application
Data\Microsoft\Templates\Normal.dot
Title: BEFORE THE FORUM FOR REDRESSAL OF
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COMPANY OF A
Subject:
Author: apspdcl
Keywords:
Comments:
Creation Date: 04/09/11 11:50:00 AM
Change Number: 5,490
Last Saved On: 26/11/12 4:13:00 PM
Last Saved By: CGRF
Total Editing Time: 2,607 Minutes
Last Printed On: 27/11/13 11:50:00 AM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 679 (approx.)
Number of Characters: 3,873 (approx.)