

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

This the 5th day of November 2012

C.G.No:232/2012-13/Kadapa 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

Smt.Bachala Shanti
Managing Partner of Safety Cold storage,
Pedda Setty palle Village & Post,
Proddatur Mandal,
Kadapa-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Proddatur
2. Assistant Engineer/Operation/Rurals/Proddatur
3. Assistant Divisional Engineer/Operation/Rurals/Proddatur
4. Assistant Divisional Engineer/CT.Meters/kadapa
5. Divisional Engineer/Meters & Protection/Kadapa
6. Senior Accounts Officer/Operation/Kadapa

Respondents

Smt.Bachala Shanti, Managing Partner of Safety Cold storage, Pedda Setty palle Village & Post, Proddatur Mandal, Kadapa-Dist herein called the complainant, in their complaint dt:20-10-2012 filed in the Forum on dt:20-10-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 have stated that

1. She is the Managing Partner of "Safety Cold Storage" which is situated in Peddisetty Village, Proddatur mandal, Y.S.R.Dist.

2. Since 2010 they are in this business with the same name and nomenclature.
3. They are having the HT service bearing No: 2222533000384 to this cold storage plant.
4. Since 2010 they are regularly paying the electricity bills without any default.
5. As per the nature of their business i.e. cold storage plant their business would be peak in some months and 'Nil' in some periods.
6. Accordingly to the business their consumption of electricity will be varying from time to time and upon the business that they promulgate.
7. Their nature of business is storing the essential commodities etc., in cold storage plant in order to keep the same intact.
8. They have been paying electricity consumption charges every month regularly for the consumption availed by us i.e. for the units which you record without any hindrances or adverse comments from their side, till this date.
9. As such astonishingly and to their surprise they received a bill dated 12/7/2012 wherein they are informed and are required to pay Rs. 1,90,160/-.
10. In that bill total units consumed were mentioned as 36,532 and the energy charges as Rs 1,82,660/- and some other charges were added and in toto they were claimed Rs 1,90,160/- and also mentioned the due date to pay that bill as 26-07-2012.
11. Further it is mentioned in that same bill that the disconnection date mentioned as 11-08-2012 may be in default of paying the same.

12. On seeing the same they perturbed and flabbergasted. She submitted, why such huge and exorbitant bill was raised on their service? And she further submit the Forum, what is the reason to raise such enormous bill without any proper notice or explanation, which caused to them mental agony and harassment and disturbed their regular business.
13. At this juncture she would like to bring some of the important aspects in this regard..
 - a. They started their business in the year 2010.
 - b. Since then they used to get the electricity charges bill in an average of Rs. 25,000/- to Rs. 80,000/- varied from month to month.
 - c. On any occasion it has not crossed Rs 90,000/- except in one occasion i.e. in the month of April 2011.
 - d. Their average electric consumption was also regular and in sequence as per the business and seasons, (Please refer the consumption of electricity by us from 2010 to 2012).
 - e. In-spite of power cut during the summer which is almost 10 hrs per day, how could they face such huge bill? In fact during the power cut they were depending on the generators.
 - f. Her question is in such power shortage period how could they get this enormous bill?
14. With this regards she would like to inform the Forum, that on 21-07-2012, they already submitted to the SE/Opn for kind perusal and go through their case, and do needful.
15. Till date they neither received any reply nor any action on part of the good office. Further astonishing thing in this case is till date, they did not

receive any such notice with regards to the penalization or any details for their perusal. Their plea to the SE might have been ignored.

16. The local electrical officials forcing them to pay that penalty amount and they are planning to take steps with regard to collect the penalty.
17. At this juncture she would like to appeal to the Forum, kindly instruct the electric officials not to take steps against our firm with regard to collect the penalty and provide uninterrupted supply and further she appeal to the Forum, to verify their case, and see that for which fault she had to bear such huge charges?
18. She, therefore pray the respectful officer, to treat this letter as their appeal and verify the records and revise the bill by reducing the same and take necessary steps and action why such thing happened which caused her mental agony and torture, otherwise they will be put to an irreparable loss and injury.

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

The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Rurals/Proddatur in his written submission dt:25-10-2012 received in this office on dt:29-10-2012 stated that:

1. He had joined as ADE/Rurals/Proddatur on 25-06-2012. Prior to his joining all the high value services readings of rural sub-division, Proddatur had been taken by Sri. S.Sreenivasulu, ADE/Opn/Proddatur. In the month of 06/2012 as per the instructions of Honourable Chairman & Managing Director, APSPDCL, Tirupati for cross checking of consumption of the services, while taking the monthly reading of SCNo: 384 M/s safety Cold storage at Peddasetty palli (Village in rural section, Proddatur on 12-06-

2012, the ADE/Opn/PDR observed that, Zero current in R-Phase is recording in the meter.

2. The same is recorded in the MRB and intimated the fact to the ADE/HT Meters/Kadapa on 13-06-2012 over cell phone for inspection and rectification of the service.
3. On 15-06-2012, the ADE/HT Meters/ Kadapa had inspected the service No: 384, Pedda settepalli. During the inspection of service, the ADE/HT.Meters/Kadapa found that, Zero current is recorded in R-Phase at TTB and in the meter due to internal fault of the TTB.
4. The supply cut off to the meter at 11:20 Hrs. and the defective TTB replaced with new TTB and supply extended to the meter at 12:10 Hrs on 15-06-2012, the ADE/HT.meters/kadapa added in his inspection report and assessed shortfall units of 20644 for R-Phase current missing period from 21-01-2012 to 15-06-2012 and requested to add shortfall units in the CC.bill of 06/2012 to be issued in 07/2012.
5. On verification of consumption pattern of the service before the TTB failure i.e. before 21-01-2012, it is observed that an average of 14970 units (KVAH) have been consumed by the consumer from the period 08-03-2011 to 12-12-2011 where as the average consumption recorded in the meter from 12-01-2012 to 12-06-2012 i.e. the R-Phase current zero recording period is 12371 units (KVAH).
6. A copy of the consumption particulars recorded in the MRB for the period from 08-03-2011 to 12-06-2012 is herewith enclosed to the kind perusal.
7. Since it is loss sustained by the department due to R-Phase current recording is missing in the meter for the period from 21-01-2012 to 15-06-

2012, it is quite reasonable to add the shortfall units for the period to avoid loss of revenue to the company.

8. Accordingly, during the month of 07/2012, he had included the shortfall units of 20644 in the CC.bills of 06/2012 served on to the consumer on 10-07-2012 apart from the consumption of 15888 units of 06/2012 i.e. for total units of $(20644 + 15888) = 36532$.

The respondent-5 i.e. the Divisional Engineer/Meters & Protection/Kadapa in his written submission dt:29-10-2012 received in this office on dt:31-10-2012 stated that:

1. Based on the complaint of ADE/Rurals/proddatur dated 13-06-2012 that zero current is recorded in R-Phase and requested to inspect the service No: ISC-384 stands in the name of M/s safety cold storage, Peddasettipalli, in Proddatur Rurals mandal.
2. The service is inspected by ADE/HT meters/Kadapa along with ADE/Rurals/Proddatur on 15-06-2012 on detailed examination and testing the meter it is observed that zero current is recording in R-Phase both at TTB and in meter due to internal fault of TTB.
3. After replacement of defective TTB with new one the currents in R-Phase were restored both at TTB and in meter as well.
4. Even though the consumer is availed 3-phase supply to his/her industrial loads, the HT Trivector energy meter is unable to record the energy in R-phase as the current is missing due to the internal fault of TTB.
5. The meter is recorded energy only in Y&B phases.
6. The energy recorded missing in R-Phase is noticed through the MRI data and back billed as per load survey of MRI data.

7. The same is intimated to the DE/OPn/Proddatur vide Lt dt:10-07-2012 to arrange to serve the back billing notice to the consumer to recover the revenue loss to the Discom sustained by the defective TTB for the period from 21-01-2012 to 15-06-2012.
8. The detailed report of ADE/HT.Meters/Kadapa along with cumulative tamper status report is herewith submitted.

Findings of the Forum:

1. The grievance of the complainant is that they received bill dt: 12-07-2012 abnormally on high side for their cold storage situated in rural area for an amount of Rs 1,90,160/- which includes the energy charges of Rs 1,82,660/- and some other charges and the consumption was shown as 36532 for the month. Requested for revision of the bill.
2. In accordance with the Guaranteed Standards of the Performance the bill revision shall be done within 7 working days from the date of the complaint.
3. Here in this case though the complainant mentioned that she represented the matter earlier to the SE/Opn/Kadapa on 21-07-2012, but there is no proof submitted to that effect.
4. The respondents reported that the said service readings were cross checked by the ADE/Opn/Town/Proddatur on 12-06-2012 as per the instructions of the CMD/SPDCL being the service was read by the ADE/Opn/Rural/Proddatur regularly and during the said check reading it was noticed that the R-Phase current was Zero.
5. On information and request made by the ADE/Opn/Proddatur the service was inspected by the ADE/HT.Meters/Kadapa on 15-06-2012 and upon

the detailed examination it was noticed that the said zero current in the R-phase was due to defect in the TTB resulting in non recording of the consumption in R-phase by the meter though the consumer was utilizing three phase supply.

6. The defective TTB was replaced with new healthy one and the current in R-Phase was also restored to normalcy. He obtained the data through MRI, analyzed the data and recommended for back billing based on the consumption and the period of defects i.e. from 21-01-2001 to 15-06-2012 during which the R-phase current was missing in the meter.
7. The service is having a contracted load of 73 HP and the energy is measured on the HT side with a meter having data retrieving facility based on which the respondents billed the shortfall units for the meter defective period of about 6 months.
8. The shortfall units arrived by the respondents based on the MRI data are a total of 20644 and the bill was raised for the regular consumption of 15888 units and the total bill was issued for 36532 units for the months of 06/2012.
9. The arrival of shortfall units due to defect in the meter is in order, but the bill raising for the total units of shortfall together with regular monthly consumption is not correct since the shortfall shall be levied through separate notice in accordance with the Appendix –VII of GTCS while the regular consumption bill shall be served normally as the consumer shall be given reasonable opportunity to put-forth his grievance before the final assessing authority from which opportunity the consumer was deprived of.

10. The other point to be considered is that the shortfall units arrived above are to be bifurcated into two parts for the periods from 21-01-2012 to 31-03-2012 and 01-04-2012 to 15-06-2012 in view of the variance in tariff order.
11. Had the service read through MRI every month during the reading and the data analysed, the said problem should have been limited to one month instead of extending to 6 months.
12. The service having a load of 73 HP shall not be left with the meter not having KVAH reading provisions as the method of billing the units consumption on KVAH basis was started from the tariff year 2011-12 itself.
13. The respondents arrived at the KVAH based on the KWH and the average PF recorded in the previous 3 months. The PF thus arrived is 0.91.
14. As such the levy of bill towards shortfall units arrived because of the defective meter is in accordance with the clause 7.5.1 of the GTCS and is in order.
15. The complainant is liable to pay the said amount of shortfall after its finalization by the final assessing authority based on the representation made by her already with the SE/Opn/Kadapa who has to finalise the case immediately.
16. The complainant may seek for a maximum of six installments free of interest, if she is not in position to pay the said amount all at a time as the shortfall correspondence to six months consumption.

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

ORDER

1. The respondents are directed that they shall immediately replace the existing meter with a tri-vector meter for the service No:384 of Peddasettipalli in Proddatur Mandal if not done already.
2. They shall revise the bill duly splitting the consumption and bill as per the tariff orders 2011-12 and 2012-13 suitably within 7 days from the date of receipt of this order.
3. They shall accept the representation of the complainant if sought for installments for payment of back billing amount and they are at liberty to collect the regular CC.Charges as usual.
4. The complainant is advised that she may represent the final assessing authority, if not having any proof of earlier representation for revision of the bill of shortfall and may request for installments, if required.

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 5th 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.