

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

**This the 18<sup>th</sup> day of December 2012**

**C.G.No:241/2012-13/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 B.Surendra Reddy  
Managing Director of Om Sri Sai Ferro Alloys Pvt. Ltd.,  
Thimmanagaripalem Village  
Kadivedu Post, Chillakur Mandal,  
Nellore-Dist-524410.

Complainant

***And***

1. Chief General Manager/Finance/SPDCL/Tirupati  
2. Senior Accounts Officer/Operation/Nellore

Respondents

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Sri B.Surendra Reddy, Managing Director of Om Sri Sai Ferro Alloys Pvt. Ltd., Thimmanagaripalem Village Kadivedu Post, Chillakur Mandal, Nellore-Dist-524410. herein called the complainant, in his complaint dt:26-11-2012 filed in the Forum on dt:26-11-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 have stated that

1. He is representing the HT service number:NLR422 in the capacity of Managing Director.
2. The SAO/Opn/APSPDCL/Nellore is charging the delayed payment surcharge @ 1.5% of bill amount for the whole month irrespective of

the number of days of delay in payment imposing heavy burden on them.

3. Their CC.bill due date is 10<sup>th</sup> of every month. Even if the bill is paid on the 11<sup>th</sup> day i.e. one day delay, the DPS is calculated for the whole month for maximum of 15 days delay also the DPS is calculated for the whole month which is unfair.
4. Again DPS is calculated for the whole month on any out standing balance payable as on 26<sup>th</sup> of the month which they feel is also unreasonable.
5. It will be a great relief for them if the DPS is calculated only for the days of delayed payment instead of the whole month.

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

**The respondent-2 i.e. the Senior Accounts Officer/Operation/Nellore in his written submission dt:07-11-2011 received in this office on dt:10-12-2012 stated that:**

1. The HT SCNo: 422, M/s Om Sai Ferro Alloys Pvt was released on 14-11-2009.
2. The consumer never paying his CC.bills in time and in total bill amounts i.e. he is paying part amounts that too with a delay in every month from past several months.
3. The surcharge for belated payment levied by this office as per the tariff order with effect from 01-04-2012 as noted below :
  - a. The licensee shall charge the delayed payment charge (DPS) per month at the rate of 1.5% of bill amount or Rs.550/- whichever is higher.

- b. In his representation, the consumer has not mentioned any monthly bill amount or amount of surcharge levied for which month, for what amount is not mentioned.
- c. So, it is not possible to give reply clearly for the amount of surcharge, but at the same time it is submitted that surcharge levied, for the belated payment on the bill amounts at the rate of 1.5% or Rs.550/- whichever is higher.
- d. The copies of the bills for the entire period from which consumer paying CC.Charges partly that too after due dates.

**The respondent-1 i.e. the Chief General Manager/Finance/SPDCL/Tirupati in his written submission dt:07-12-2011 received in this office on dt:15-12-2012 stated that:**

1. The complainant's objection that the additional charges for belated charges payments of CC.Charges are to be collected on daily basis instead of for the whole month is not acceptable in view of the following.
  - a. The additional charges calculated are as per the clause 213.6 of 9 of tariff order for the year 2012-13 approved by the APERC and the same is reproduced hereunder:-

**213.6 H.T. SUPPLY- GENERAL CONDITIONS:**

**9. Additional Charges for belated payment of charges**

The Licensees shall charge the delayed payment surcharge (DPS) per month at the rate of 1.5% of Bill amount or Rs 550 whichever is higher. In case of grant of instalments at 18% per annum compounded annually and the two shall not be levied at the same time.

b. Since delayed payment charges are levied only in accordance with tariff order approved by the Honourable APERC. There are no merits in the complaint hence it is requested to dispose of the complaint.

**Findings of the Forum:**

1. The grievance of the complainant is that the licensee is charging additional charges for belated payment of CC.Charges calculating on monthly basis instead of daily basis @ 1.5% of bill amount which is unreasonable and requested for adopting daily basis.
2. The argument of the complainant is that the additional charges are to be collected for the number of days by which the payment of CC.charges is delayed instead of levying for the whole month even in the event of delay by one day.
3. The respondents replied that the collection of additional charges for belated payment of CC.bills is in-accordance with point 9 of item No:213.6 of the tariff order for the year 2012-13 approved by the APERC.
4. The tariff order for the year 2012-13 against item No: 9 of 213.6 in the matter of additional charges for belated payment says that the licensee shall charge the Delayed Payment Surcharge (DPS) per month @ 1.5% of bill amount or Rs.550/- which ever is higher.
5. As such, the request of the complainant for considering the levy of DPS on daily basis is against the tariff order in-force and hence it is beyond the purview of the Forum.
6. It is the APERC to decide any changes in the tariff order and hence the complainant may approach the Honourable APERC in this matter.

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

**ORDER**

The complainant is advised that he may approach the honourable APERC in this matter.

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, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on the 18<sup>th</sup> day of December 2012

Sd/- <b>Member (Legal)</b>	Sd/- <b>Member (C.A)</b>	Sd/- <b>Member (Accounts)</b>	Sd/- <b>Chairperson</b>
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**Forwarded by Orders**

**Secretary to the Forum**

To  
The Complainant  
The Respondents  
Copy submitted to the Honourable Ombudsman, APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004.  
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.