

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

This the 29th day of December 2012

C.G.No:250/2012-13/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 A.S.Chaterji
C/o RI Enterprises
Autonagar Village & Post,
Vijayawada City
Krishna-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Gunadala
2. Assistant Engineer/Operation/Autonagar
3. Assistant Divisional Engineer/Operation/Patamata
4. Divisional Engineer/DPE/Vijayawada
5. Divisional Engineer/Operation/Gunadala
6. Senior Accounts Officer/Operation/Vijayawada

Respondents

Sri A.S.Chaterji, resident, R.I. Enterprises of Autonagar Village & Post, Vijayawada City Krishna-Dist herein called the complainant, in his complaint dt:28-11-2012 filed in the Forum on dt:28-11-2012 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 owner of SCNo: 6512101001104 Autonagar of Vijayawada city in Krishna Dist.
2. He received notice for a shortfall amount of Rs.1,73,863/- intimating from the accounts section.

3. The DE/DPE/Vijayawada during his inspection of the complainant's industry in June 2007, expressed that there is a load of 92 HP in use.
4. The complainant subsequently removed certain loads over and above 74 HP and limited to the contracted load.
5. Though he had not applied for the additional load of 92 HP, bills were issued to him for 92 HP from August 2007 onwards every month.
6. He represented the matter in writing to the department and also requested personally, but the department did not take any action.
7. He, immediately on receipt of the notice met the DE/Opn who in turn asked him to pay the 1/3rd amount of Rs. 1,73,863/- under protest and gave a letter to that effect.
8. Accordingly he paid the said amount in the form of cheque to the department, but his case was not resolved.
9. The department officials and staff are coming to his premises to disconnect his service.
10. Requested to render justice.

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

The respondents-1 i.e. the Assistant Accounts Officer/ERO/Gunadala in his written submission dt:10-12-2012 received in this office on dt:15-12-2012 stated that:

1. The complainant is one of the consumers being dealt with by the ERO/Gunadala.
2. The complainant has the Industrial service bearing SCNo: 6512101001104.
3. The service of the complainant was initially having the contracted load of 45HP. The contracted load of the complainants service has been

raised to 92HP step by step the following manner with the concurrence of field officers as well as complainants payments particulars towards security deposit and development charges on account of booking of additional load subsequently.

4. Existing load of 45HP regularized to 74HP on payment of Development Charges of Rs.43,500/- by DD.No:869573 dt:10-07-07 and Security Deposit of Rs.14,500/- by DD. No:869572 dt:10-07-07 based on Section Officers return on additional loads released under high value from 26-6-07 to 25-07-07.
5. Again the regularized 74HP has been regularized to 92 HP on payment of Development Charges of Rs.27,000/- vide DD.No:870640 dt:10-09-2007 based on Section Officer additional loads released under high value from 26-08-07 to 27-09-07.
6. Further is submitted that agreeing with the additional load booked and with the enhanced contracted load from 45HP to 74HP and to 92 HP, the consumer himself and continued paying the fixed charges levied in the subsequent CC.bills as per the contracted load accordingly.
7. As he alleges in the complaint that he has previously represented for deration of load from 92HP to 74HP there is no such representation made by the complainant earlier in the office of AAO/ERO/Gunadala.
8. Further there is neither an evidence of his representation even in the field officer nor there is revised test report for deration of load till date.
9. Hence his contention of representation for deration is not maintainable.

10. The consumer even alleges that he never applied for enhancement of load from 74 HP to 92 HP. It is false statement because it is only a regularization of additional load based on field officer inspection, but not enhancement consumer plea. Moreover there is an evidence of field officer report indicating release of additional load in the release of additional load return by concerned section officer.
11. Since then the complainants service is having 92 HP as contracted load appearing in the regular CC.bills and in the ERO records.
12. The protest of the consumer is inconsistency and does not have any merit to be taken into consideration.
13. The consumer is bound to pay the shortfall amount of Rs.1,73,863/- since regularization of additional load was previously done based on the section officer additional load released return.

The respondents-4 i.e. the Divisional Engineer/DPE/Vijayawada in his written submission dt:21-12-2012 received in this office on dt:27-12-2012 while enclosing certain copies of inspection report and IA notice stated that:

1. The SCNo: 6512101001104 was inspected by Sri M.Siva Prasad Reddy, Former DE/DPE/Vijayawada on 21-05-2007.

Findings of the Forum:

1. The grievance of the complainant is that he was served notice by the respondents stating that the connected loads of his industrial service is more than the contracted load and requires regularization of the additional load by paying the development charges and security deposit against the said additional load. He subsequently in the immediate next month limited his loads to 74HP by removing the

additional loads and requested for withdrawal of the extra fixed charges levied.

2. As per the material available on record,
 - a. The service was first inspected by the then DE/DPE/Vijayawada M.Siva Prasad Reddy on 21-05-2007.
 - b. During his inspection he noticed a total connected load of 92HP and all the machinery is in duplicate indicating that there are 2 similar units connected to the service.
 - c. He noticed an excess load of 47HP over and above the contracted load of 45.02HP and sent the inspection report to the ADE/Opn/Patamata who inturn served a notice to the consumer for regularization of the additional load by paying an amount of Rs.94,100/- besides recommending for billing of the service under HT-I category within one month from the date of receipt of the notice.
 - d. The consumer was served with a notice dt.26-04-2012 by the respondent-1, ie the Assistant Accounts Officer/ERO/Gunadala for an amount of Rs.1,73,683/- as shortfall for the period from 01/2011 to 03/2012 as the service was billed under LT instead of HT-I category as pointed out by the Internal Audit Party.
 - e. The consumer under protest, paid 1/3rd of the said shortfall amount of Rs.1,73,863/- during 06/2012 as could be seen from the account copy.
 - f. The consumer paid for the total 92 HP load in two phases and got the loads regularized by 09/2007 itself and hence the said additional load is accepted by the consumer.

g. In accordance with the GTCS, clause 12.3.3.2,

12.3.3.2 Cases where the total Connected Load is above 75 HP/56kW or

- i These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected. For this purpose, 80% of Connected Load shall be taken as billing demand. The quantity of electricity consumed in any Month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT Meter. .*
 - iii One-month notice will be given for payment of service line charges, development charges and consumption deposit required for conversion of LT service into HT service.*
 - iv Service of such consumers who do not pay HT tariff rates or who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularising such services by conversion from LT to HT category.*
 - v. If the consumer where required, does not get the LT services converted to HT supply and regularised as per procedure indicated above within three months from the date of issue of the notice, the Company is entitled to terminate the Agreement by giving required notice as per clause 5.9.4 of the GTCS, notwithstanding that the consumer is paying bills at HT tariff rates prescribed in clause 12.3.3.2 (i) above*
3. As such, the licensee has got every right to bill the service under HT tariff right from the consumption month ie 05/2007 itself during which month the said additional load was detected, till to 06-03-2012 besides disconnecting the service immediately expiry of the one month notice.
4. Here in this case the consumer was served the one month notice on 04-06-2007 for which the date of expiry shall be 03-07-2007, but the consumer paid

the amounts for 29HP additional load on 10-07-2007 and for further 18HP on 10-09-2007 totaling to a load of 45 + 29 +18 = 92HP in phases,

5. The respondents levied fixed charges under LT-III only, but not under HT-I which is against the GTCS and are as follows:

From		To		Charged HP	Rate of fixed charges	Amount in Rupees
Consumption month	Billing month	Consumption month	Billing month			
May-07	Jun-07	Jul-07	Aug-07	45	37	1665.56
Aug-07	Sep-07	Oct-07	Nov-07	74	37	2738
Nov-07	Dec-07	Mar-11	Apr-11	92	37	3404
Apr-11	May-11	Nov-12	Dec-12	92	50	4600

6. The said shortfall amount is towards demand charges for the period from 01/2011 to 03/2012 treating the service under HT raised based on the report of the audit party and should have been continued till to date.
7. The contention of the complainant that the respondents are levying fixed charges for 92HP from August 2007 onwards in the monthly bills for which he never applied is not accepted in view of his payments made for regularization of the said additional loads.
8. As such billing of the service under HT and levy of shortfall for Rs.1,73,863/- is quite reasonable and hence the request of the complainant for withdrawal of the said amount is not considered and set aside.

9. The complainant has got now to go for an option for reduction of load by removing the unnecessary loads as per his requirement and shall file an application with the respondents to that effect.

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

ORDER

The complainant is advised that he may apply for reduction of load to his requirement right now if he prefers for.

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 the 29th day of December 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.

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