

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

This the 31st day of January 2013

C.G.No:262/2012-13/Guntur Circle

Present

Sri K. Paul
Sri A.Venugopal
Sri T.Rajeswara Rao
Vacant

Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer Affairs)

Between

Sri. P.Sambhasiva Rao D.G.M
C/o Andhra Sugars Limited,
(Cotton and Oil Products),
Perecherla Village & Post,
Medikonduru Mandal,
Guntur-Dist-522009.

Complainant

And

1. Divisional Engineer/Operation/Rurals-2/Guntur
2. Senior Accounts Officer/Operation/Guntur
3. Superintending Engineer/Operation/Guntur

Respondents

Sri. P.Sambhasiva Rao D.G.M C/o Andhra Sugars Limited, (Cotton and Oil Products), Perecherla Village & Post, Medikonduru Mandal, Guntur-Dist-522009. herein called the complainant, in his complaint dt:10-10-2012 filed in the Forum on dt:10-10-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. They have paid the amount by way of Demand Draft bearing No:067509 dt:09-10-2012.
2. The last date for payment of CC.bill was 11-10-2012. As per instructions No.1 (bill for 09/2012).

“Please quote service number on the letter head and remit the exact amount specified in the bill by way of Demand Draft or cheque of local banks

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drawn in favour of Senior Accounts Officer duly crossed and obtained official receipt.

3. They handed over the demand draft on 10-10-2012 immediately after opening of SPDCL office.
4. On their enquiry the demand draft was presented by the SPDCL banker on 11-10-2012.
5. They have given demand draft for which money was left from them on 09-10-2012.
6. The clearing time in Guntur was 48 hours i.e. if the DD is presented today before clearing time tomorrow the banker will post the amount in SPDCL account.
7. Due to presenting of the DD on 11-10-2012 the DD was credited on 12-10-2012, hence in this case there is no delay in submission of demand draft from their side.
8. The SPDC of AP limited Guntur charged Rs.24190.17 as belated payment.
9. Due to threatening of disconnection they have paid the amount under protest.
10. requested to go through the contents and resolve the matter in view of the financial suffering.

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

The respondents-2 i.e. the Senior Accounts Officer/Operation/Guntur in his written submission dt:26-12-2012, received in this office on dt:27-12-2012 stated that:

1. In the case of HT CC.Charges payment, the surcharges for late payment will not be levied if the payment made by cheque/DD/RTGS credited to SPDCL account on or before the due date.
2. In the present case HTSCNo:GNT298, M/s Andhra Sugars Limited, Perecherla, the payment of CC.Charges bill was received on 10-10-2012 for the September 2012 CC.bill for which the due date was 11-10-2012, the same was presented to bank authorities on 10-10-2012 evening along with all the cheques/DDS received during the day.
3. The bankers have cleared the DD on 12-10-2012 at clearing hours to SPDCL account as the payment was cleared on 12-10-2012 (after the due date) the late payment surcharge was levied in October 2012 bill.
4. While accepting the DD from the consumer it was also informed in the receipt, the receipt was issued subject to realization of DD/Cheque upon representation of the consumer also the same was informed to consumer on 17-11-2012.
5. The belated payment charges was made as per tariff order only.

Findings of the Forum:

1. The grievance of the complainant is that he handed over DD dt: 09-10-2012 towards CC.charges of his HT service on 10.10.2012 to the electricity authorities concerned for its due date is on 11-10-2012. But the authorities levied penalty stating that the realization was on 12-10-2012 and treated it as delay in payment.
2. Requested for resolving their problem.
3. The respondent-2 i.e. the SAO/Opn/Guntur replied that

- a. In the case of HT CC.Charges payment the surcharges for late payment will not be levied if the payment made by cheque/DD/RTGS credited to SPDCL account on or before the due date.
 - b. In this present case HTSCNo:GNT298, M/s Andhra Sugars Limited, Perecherla, the payment of CC.Charges bill was received on 10-10-2012 for the September 2012 CC.bill for which the due date was 11-10-2012, the same was presented to bank authorities on 10-10-2012 evening along with all the cheques/DDS received during the day.
 - c. The bankers have cleared the DD on 12-10-2012 at clearing hours to SPDCL account as the payment was cleared on 12-10-2012 after the due date the late payment surcharge was levied in October 2012 bill.
 - d. While accepting the DD from the consumer it was also informed in the receipt, the receipt was issued subject to realization of DD/Cheque upon representation of the consumer also the same was informed to consumer on 17-11-2012.
 - e. The belated payment charges was made as per tariff order only.
4. In accordance with the General terms and Conditions of Supply clause 8.2.2 and 4.3.5 (ii) above Rs.5000/- shall be paid by the consumer by cheque/Bankers Cheque/DD payable at local branch of any scheduled bank as indicated on the electricity bill and 4.3.6 the licensee shall issue a receipt to the consumer for the payment of electricity bills made by way of cash or DD/bankers cheque drawn on any scheduled bank and in 4.3.8 equal priority is given to cash as well as the DD.
 5. As such it implies that the DD/Cheque are equivalent to cash.
 6. Normally DDs are obtained duly paying in the cash in the bank and hence the consumer is parting his money towards CC.Charges at the time

of DD itself. The date of receipt of the DD shall be treated as cash receipt date, but shall not be made responsible for the delays occurred on licensee side dealing with the banks concerned.

7. Moreover in this case, this consumer handed over his DD No:067509 for an amount of Rs.16,27,685/-on 10-10-2012 itself as could be seen from the copy of receipt issued by the SE/Opn/Guntur and produced by the complainant
8. As such it shall be treated that the respondent received the bill amount on 10-10-2012 itself and hence levy of the said penalty with the reason of the delayed payment is not correct and shall be remitted back to the complainant if already paid.

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

ORDER

The respondents are directed that they shall treat all payments i.e. by way of Cheque /DD/Cash with equal priority and shall not levy any penalty for banking delays provided where the cheque is not bounced.

In case of any cheque bouncing, the respondents are at liberty to take action against such erring consumers under the provisions of Negotiable Instruments Act and Indian CPC.

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 31st day of January 2013

Sd/-
Member (Legal)

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.