

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

This the 10th day of January 2013.

C.G.No:291/2012-13/Vijayawada Circle

Present

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

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

Between

Sri M.Harikrishna Malpany
DNo:9-64-21., Syed Gulab Street,
Kothapeta Post,
Vijayawada Town,
Krishna-Dist.

Complainant

And

1. Assistant Accounts Officer/ERO/Town-2/Vijayawada
2. Assistant Engineer/Operation/Kothapeta
3. Assistant Divisional Engineer/Operation/D-1/Vijayawada
4. Divisional Engineer/Operation/Town/Vijayawada
5. Senior Accounts Officer/Operation/Vijayawada

Respondents

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Sri M.Harikrishna Malpany, DNo:9-64-21., Syed Gulab Street, Kothapeta Post, Vijayawada Town, Krishna-Dist. herein called the complainant, in his complaint dt:27-12-2012 filed in the Forum on dt:27-12-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He had submitted an application for removal of capacitor surcharge for his service No:6435356204632 of category-II, of Kothapeta section of Vijayawada, Town Division of Vijayawada Circle to AAE/Opn/Kothapet with a copy to AAO/ERO/Town-2/Vijayawada for rectification.

2. As he do not have any inductive load (motors) except his service is under category-II.
3. The same complaint was given in the call centre, Vijayawada under their acknowledgment No:4125/dt:15-11-12, but till today there is no response either from AAE/Opn/Kothapeta or from AAO/ERO/Town-II/Vijayawada and both are kept silent, who are responsible for the issue. No officer has inspected our premises or suggested the correct capacity of the capacitor to be installed, if it is so necessary and compulsory.
4. As per the APERC, the time limit to solve such issues is only 7 days. Hence he had complaining the issue for kind consideration and instruct the concerned for taking necessary action in this matter and see that the capacitor surcharges for 10/12, 11/12 & 12/12 may be removed at an early date.
5. He had also enclosing a copy a letter addressed to AAE/Opn/Kothapet and to AAO/ERO/Town-II/Vijayawada.

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

The respondents-1, 2, 3 4 and 5 i.e. the Assistant Accounts Officer/ERO/Town-2/Vijayawada, the Assistant Engineer/Operation/ Kothapeta the Assistant Divisional Engineer/Operation/D-1/ Vijayawada, the Divisional Engineer/Operation/Town/Vijayawada and the Senior Accounts Officer/ Operation/ Vijayawada in their separate written submissions dt:04-01-2013 received in this office on dt:07-01-2013 and 09-01-2013 stated that:

1. As per the tariff order for the year 2012-13 para No.23 page:27 in case of LT consumer (Except LT domestic) not covered by KVAH billing, if during inspection no capacitor is found or the capacitors already installed are found to be damaged or having defect or ceased to function, such consumer

shall be liable to pay surcharge @ 25% of the monthly bill amount as per the terms and conditions of supply notified by the licensee.

2. The CGM (Finance)/SPDCL in his Memo dt: 14-08-2012 issued instructions instructing to levy capacitor surcharge against all LT categories except category-I where the services are having inductive load and are not being billed in KVAH where the required rating capacitor is not installed/defective and to implement the same with immediate effect.
3. Accordingly the capacitor surcharge has been levied for two months i.e. 10/2012 and 11/2012 for the consumer of service number 6435356204632 of Kothapeta, Vijayawada.
4. There is no deficit of service to the consumer in this regard.

Findings of the Forum:

1. The grievance of the complainant is that capacitor surcharge has been levied to his service under category-II unnecessarily and against the GTCS and did not rectify the same though represented the matter to the AAO/ERO/Town-2/Vijayawada, the AE/Opn/Kothapeta and also in the call centre Vijayawada on 15-11-2012.
2. His main contention is that he is not having any inductive loads (Motors) in his service, but capacitor service was unnecessarily for the months of 10/2012, 11/2012 and 12/2012 which is against to the clause 5.13.1.1 where in it was stipulated that ***“every LT Consumer using induction motors and or welding transformers shall install LT shunt capacitors as specified in Appendix VIII Supply to new LT Consumers with induction motors and welding transformers in Connected Load shall not be released unless LT shunt capacitors of the appropriate rating specified in Appendix VIII are installed”***.

3. But in the tariff order for the year 2012-13 in force at the time of levying of the said surcharge under dispute, it was stipulated that ***“In the case of LT consumers (except LT Domestic) not covered by KVAHs billing, if during inspection, no capacitor is found, or the capacitors already installed are found to be damaged or having defect or ceased to function, such consumer shall be liable to pay surcharge @ 25% of the monthly bill amount, as per the terms and conditions of supply notified by the licensee”.***
4. Also in accordance with 213.3 of Tariff order for the year 2012-13 against item-2 meant for Lt category-II, Non domestic/Commercial it was stipulated that ***“For loads 10 KW and above, a LT tri-vector meter shall be provided and energy charges shall be billed on KVAH. 2) For loads below 10 KW, the billing shall be based on KWH”.***
5. Here in this case the service is having contracted load of 4.5 KW only and hence is to be billed and is being billed on KWH only, but not on KVAH basis meant for services having the loads equal to or more than 10 KW and also in accordance with item-3 of the findings above, any service having connected with induction motors or welding sets and stands under category-II and not having capacitors in working condition shall be levied with 25% of surcharge on account of the defective capacitors.
6. Here in this case, none of the respondents make a mention of the inspection took place, its details and the findings of such inspection of the service with regards to non availability of rated capacitors or otherwise. It is not clear whether any inspection took place or not and the basis for arriving of the presence of such inductive loads like motors and welding sets is not explained by the respondents.

7. Though the service is under category-II, unless there are some inductive loads mentioned above connected to the service and though it is being billed in KWH, the respondents cannot simply levy the surcharge @ 25%. On the other hand the consumer stated that he need not install capacitors as he is not having any inductive loads like motors.
8. As such the levy of capacitor surcharge by the respondents with the prevailing conditions is not in order and there is necessity of withdrawing and paying back the amounts to the consumer as requested by.
9. The consumer also requested the respondents to install the suitable capacitors if required and recover the total expenditure incurred there on subject to the provisions of clause 8.1 as he is not having any technical knowledge with regards to capacitors, quality, standards of the department and accepted to include the sum in the monthly CC.bill charges.
10. With regards to the item-8 above, the complainant may approach the respondents with the proposal of installing capacitors and the respondents may accept his request at their discretion and do the needful.
11. The respondents after due inspection of the service if not done earlier are at liberty to levy the surcharge @ 25% if the service is connected with inductive loads like motors and welding sets.

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

ORDER

The respondents are directed that they shall

1. Inspect the service once if not done already and may levy the said 25% surcharge from the date of inspection for loads not provided with adequate rated capacitors as per GTCS.

2. Shall withdraw the amounts of surcharge 25% levied to the service for the months of 10, 11 and 12 of 2012 within 30 days from the date of issuance of this order, if the billing is not based on factual inspection report done.
3. Report compliance on the item-2 above within 45 days from the date of this order.

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 10th day of January 2013

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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