

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

**On this the 17<sup>th</sup> day of May 2013**

**C.G.No:352/2012-13/Guntur Circle**

***Present***

***Sri K. Paul***  
***Sri A. Venugopal***  
***Sri T. Rajeswara Rao***  
***Sri A. Sateesh Kumar***

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

***Between***

Sri. A.Narayana,  
C/o Subba Rao,  
Gopalapuram Village,  
Macherla Post & Mandal,  
Guntur-Dist

Complainant

***And***

1. Assistant Engineer/Operation/Rurals/Macherla  
2. Assistant Divisional Engineer/Operation/Macherla  
3. Divisional Engineer/Operation/Macherla

Respondents

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Sri. A.Narayana, C/o Subba Rao, resident of Gopalapuram Village, Macherla Post & Mandal, Guntur-Dist herein called the complainant, in his complaint dt:18-02-2013 filed in the Forum on dt:18-02-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He is an Industrial consumer with SC.No. 1431218000049 at Gopalapuram Village of Macherla Mandal in Guntur district.
2. The service above was inspected by the departmental officials and issued notice to pay and regularize the additional loads.

3. He reduced the loads in time and represented the matter to the officials in time i.e., on 10-06-2012, but the amounts are still appearing in the arrears item of his power bills.
4. Requested to rectify the bills.

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

**The respondent-2 i.e. the Assistant Divisional Engineer/Operation/Macherla in his written submission dt:20-03-2013, received in this office on 28-03-2013 stated that:**

1. The service No:49 of Gopalapuram village is released for industrial purpose ( rice mill ) on 23-01-2012 with a contracted load of 75HP. On 16-05-2012 ADE/Operation/ Macherla inspected the service and found a total connected load 151HP. On conversation with the consumer it was noticed that the total load is existed from date of supply. The additional load notice for 151.0 HP under HT Category was issued vide LrNo:ADE/O/MCL/S.Eng/DNo:168/12, dt:26-05-2012 and requested to regularize the besides billing of service under HT- I category. The consumer is also stated that, they will extend the load further also. But suddenly on 20-06-2012, the consumer presented a letter that 59HP of load was removed and mentioned that the service is going to be run under LT-III A only.
2. Based on the information received from the prospective consumer, the ADE/Operation/Macherla inspected the premises on 12-09-2012 and the revised additional load notice was issued vide LrNo:ADE/O/MCL/DNo:554/2012, dt:25-09-2012. The consumer was paid the additional load and additional load is also regularized.

3. On 10-10-2012 the Assistant Divisional Engineer/Operation/Macherla requested the Assistant Accounts Officer/ERO/Macherla vide LrNo:ADE/O/MCL/DNo:602/2012, dt:10-10-2012 to revise the CC.Bills as per the GTC clause 12.03.3.2 (iii) and to retain the service under LT.Category-III A only.
4. The AAO/ERO/Macherla appraised the SE/Operation/Guntur vide LrNo:AAO/ERO/MCL/JAO/Billing/Sr.Asst./DNo:464/2012, dt:15-10-2012 for withdrawal of excess demand and requested to issue necessary instructions.
5. The Superintending Engineer/Operation/Guntur permitted to withdraw the excess demand raised against the said service vide Memo No: SE/O/GNT/SAO/R/JAO/LT/UI/DNO:1502/2012 DT:20-11-2012. w.e.f the date of inspection of ADE/O/Macherla.
6. According to the instruction of Superintending Engineer/Operation/Guntur the service was billed under LT-III-A category w.e.f 12-09-2012 instead of date of consumer representation.

**Findings of the Forum :**

1. The grievance of the complainant is that though he removed the additional load of his industry in time and intimated the matter to the department, the amount is still appearing as arrears for his industrial service and requested to rectify the bills.
2. The respondent-2, i.e., the ADE/Operation/ Macherla, in his reply reported that
  - i. The service was first released for a load of 75 HP on 23-01-2012.

- ii. He inspected the premises on 16-05-2012 and detected a total connected load of 151 HP.
  - iii. The consumer himself accepted that the said load was existing since the release of the service.
  - iv. He issued a notice to the consumer on 26-05-2012 to pay the necessary charges of Rs.1,15,500/- + Rs. 77,000/- + Rs.1,50,000/- and get the additional load of 77 HP regularized and recommended for billing of the service under HT-I category.
  - v. On 20-06-2012, the consumer represented that he had removed a load of 59 HP from the total and the service is eligible for LT-III A with the balance load.
  - vi. He again inspected the service on 12-09-2012 and issued revised a notice on 25-09-2012 for the excess connected load of 19.31 HP for which the consumer paid the necessary charges and got regularized the additional load.
3. As could be seen from the inspection notes it appears that the consumer removed a load of 58HP corresponding to the silky polish machine which made the difference of the load from first inspection to the second.
  4. The total connected load after regularization based on the second inspection was 93HP + 980 watts which is below 100HP in the limits of LT-III A and hence there is no necessity of converting the service to HT billing. As such the consumer need not pay the amounts of Rs.1.5 lakhs demanded towards termination charges. The honourable APERC in its proceedings dt:07-03-2012 in the matter of additional loads had made certain amendments to the GTCS for the clauses 12.3.3.1 where in it was

altered that the consumer in case of additional loads connected and detected may remove such additional loads as per his requirements.

5. In this case also since the first inspection was done on 16-05-2012 the respondent-2 i.e. the ADE/Operation/ Macherla the inspecting officer in this case should have issued notice to remove or regularize the additional connected loads, but contra to this straight away demanded the consumer to go for HT which is not correct.
6. The data from the account copy confirms the additional load existence right from the beginning as the MD recorded for 05/2012, the first month of billing was 147.8 KVA which is supposed to be below 75 HP equivalent to 56 KVA at UPF.
7. Also both the consumer and the respondents are well aware of the fact that the said additional load of 59HP was existing right from the date of supply. It is not understood how the respondents have released the service under LT-III A as the service is fit to be released under HT-I for its connected load.
8. The respondents should have issued a notice to the consumer, herein the complainant that the service can be released under LT, only after removal of the load over and above 75 HP for which the application was made but was not done so and was released with the total connected load.
9. The respondent-2 had inspected the service for the first time only after the first reading and served notice to get the additional load regularized by paying the necessary charges. But he did not extend the provision of removal of additional load not required as per the amendment made by the hon'ble APERC in its proceedings dated 07-03-2012.

10. However, it is felt by the Forum that the service shall be billed under LT right from its release and the respondents shall withdraw any demand raised treating the service under HT and also withdraw the notice for Rs.1.5 lakhs towards termination charges in HT.
11. The consumer shall take note that at a later date, if the said additional load is noticed in the service, the provisions of penal charges will be invoked as per the rules in vogue.

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

**ORDER**

The respondents are directed that

1. They shall withdraw the notice for Rs.1.5 Lakhs towards termination charges within 15 days from the date of this order.
2. They shall withdraw any amount due from the consumer corresponding to billing of the service under HT along with necessary surcharges if any levied or any such amount already paid by the consumer shall be adjusted to his future bills within 15 days from the date of this order.
3. They shall report compliance on the items 1 and 2 of the order above within 21 days from the date of this order.
4. The respondents shall be more cautious in future while releasing industrial services and shall release the service in the appropriate category only after conducting detailed inspection of the loads connected irrespective of the application to which category it was made.
5. The consumer shall take note that the service will be billed with penal rates with retrospective effect from 12-09-2012, in case if any

unauthorized additional load is detected during course of inspections  
in future.

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 this the 17<sup>th</sup> day of May 2013.

Sd/-  
**Member (Legal)**

Sd/-  
**Member (C.A)**

Sd/-  
**Member (Accounts)**

Sd/-  
**Chairperson**

**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.