

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

**This is the 17<sup>th</sup> day of May 2013**

**C.G.No:365/2012-13/Ongole 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***

Smt. A. Hemalatha  
Motupalli Village & Post  
Chinnaganjam Mandal  
Prakasam-Dist-523168

Complainant

***And***

1. Junior Accounts Officer/SUB-ERO/Vetapalem  
2. Assistant Engineer/Operation/Chinnaganjam  
3. Assistant Divisional Engineer/Operation/Vetapalem  
4. Senior Accounts Officer/Operation/Ongole

Respondents

\* \* \*

Smt. A. Hemalatha, resident of Motupalli Village & Post, Chinnaganjam Mandal, Prakasam-Dist-523168 herein called the complainant, in her complaint dt:28-03-2013 filed in the Forum on dt:28-03-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. She is a consumer with SCNo:320 of Motupalli distribution, Chinnaganjam section, Prakasam-Dist and the supply is being utilized for
2. She received a letter from the JAO/Sub-ERO/Vetapalem on 20-03-2013 while she was at her farm and was shocked after reading the contents wherein it was accused that the R&C measures are violated by her and the penalty was imposed for violating certain guide lines mentioned. But she had no prior knowledge of existence of such guide lines and she was never informed of the changes in the guide lines by the electricity department.

3. Her usage of power is only as per the guide lines made aware to her and she cannot agree that she had violated any guidelines.
4. The said letter received by her on 20-03-2013 was dated 13-03-2013 and she was allowed 15 days time for payment of the said penalty lest her service will be disconnected.
5. The R&C guidelines mentioned in the notice were of September 2012 and there was no effort from the department to inform the consumers and none including herself of the area are aware of the said guidelines and issuance of number of notices in and around are the best proof of the above as such the said penalty is not justified.
6. Requested for stay on the notice and remove the penalty imposed besides directing the electricity department to communicate the R&C guide lines from time to time as soon as possible so as to enable their adherence

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

**The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Vetapalem in his written submission dt: 26-04-2013, received in this office on dt: 30-04-2013 stated that:**

1. The SCNo:320 of Motupalli is having a contracted load of 35HP under category-III in the name of Sri A. Hemalatha the service is utilized for aqua culture purpose.
2. The APERC has given R&C measures for HT & LT SC's vide letter dt:25-09-2012 and 08-11-2012 due to power shortage. The AE, Operation, Chinnaganjam has given a letter to consumer vide letter dt:08-11-2012 regarding R&C measures and the penal charges for violation of R&C measures.
3. The consumer PDL (sanctioned Load) is 35HP where as the recorded MD 42.9 in the month of 10/12 billed 11/12.

4. The consumer is with the permitted consumption limit for exceeding PDL the consumer levied a penalty of Rs.658/-
5. The penal charges were communicated to the consumer in the month of 03/13.

**Findings of the Forum:**

1. The grievance of the complainant is that the department without any prior intimation about R&C measures have levied penalty to her industrial service that she had violated and was threatened of disconnection of her service if the said amount is not paid with in 15 days. Requested to direct the department to intimate the guidelines in R&C from time to time as soon as possible besides ordering for removal of the penalty imposed as it is against the law and unjust.
2. Though the complainant mentioned that she enclosed the copy of the notice, but it is not done so.
3. The respondents mentioned that
  - i. The said service is of 35HP contracted load under category-III being utilized for aqua culture purpose.
  - ii. The APSPDCL in its memo numbers 613 and 777 dt:25-09-2012 and 08-11-2012 and the same were given to the consumer by the AE/Operation/Chinnaganjam.
  - iii. The consumer PDL (sanctioned Load) is 35HP where as the recorded MD 42.9 in the month of 10/12 billed 11/12.
  - iv. The consumer is within the permitted consumption limit for exceeding PDL the consumer levied a penalty of Rs.658/-
  - v. The penal charges were communicated to the consumer in the month of 03/13.

4. Though the respondents mentioned that the R&C measures were communicated to the consumer through Memos of the head quarters dt:08-11-2012 and 25-09-2012, but they could not produce any evidence of the form of acknowledgment from the consumer and hence cannot be taken into consideration.
5. It was charges that the consumer exceeded the contracted load of 35HP by utilizing 42.9 KVA in the month of 10/2012 billed in 11/2012.
6. But there is no such clause to levy penal charges for exceeding CMD in LT-III (A) services and the procedure by which the said amount of RS.658/- levied penalty was arrived is not mentioned.
7. Normally, in any case if any additional load is noticed in a service, a one month notice shall be served upon the consumer to get the additional load regularized or to remove if not necessary and upon compliance of the consumer a second inspection is to be conducted for ensuring the facts.
8. But here in this case, because of shortage of power in the grid, the hon'ble APERC had approved and communicated to the licensees certain restrictions on usage of power by the consumers of different categories and the penalties to be levied on such consumers violates the orders and crosses the limits. It is the responsibility of the respondents to intimate the consumers about the said changes in permitted limits of usage of power and the resultant billing from time to time, well in advance to enable the consumers to adhere and cooperate with the licensee.
9. The prime motive of imposing penalty for violation of R&C is to put impact on the trespassers to be within the limits of quota thereby safeguarding the grid, but not to mint money. As such, the licensee's officers shall act instantly upon the guide lines issued from time to time in this regard and

see that the same are reached each and every consumer affected well in advance for strict adherence. They are bound to create awareness in the consumers and see that the usage is within limits. Without doing so, blaming and penalizing the consumers is against law and natural justice.

10. Here in this case, though the respondents mentioned that the R&C measures were communicated to the consumer through Memo of the head quarters dt:08-11-2012, but they could not produce any evidence of the form of acknowledgment from the consumer but simply sent an unsigned copy of the notice in semi-printed format and hence cannot be taken into consideration.
11. As such it is felt that the levy of penalty to the consumer for no fault of him is unjust, but however, since it is a violation of the proceedings of the honourable APERC in the matter of R&C, the respondents have to shoulder the responsibility and pay the said amount of penal charges at their own for their inaction.
12. The licensee shall not sustain loss of the said amount and the same is to be made good by the erring officers/officer who failed to discharge his legitimate duties.
13. The respondents shall remit the said amount of Rs.658/- and any surcharge levied thereupon to the consumer's service account.

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

### **ORDER**

The respondents are directed that they

1. Shall remit the said amount of penalty Rs.658/- to the consumer account within 15 days from the date of this order.

2. Shall not disconnect the said service on account of non payment of the above said disputed amount.
3. Report compliance on the item-1 above of the order to the Forum with production of relevant proof of such receipt within 21 days from the date of this order.
4. Shall intimate the consumers from time to time soon on receipt of instructions with regards to the usage that is to be followed by the consumers and the consequences for non adherence and obtain the dated acknowledgements and preserve the same for future needs.

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.