

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

On this the 28th day of June 2013

C.G.No:367/2012-13/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. V.Vijaya Sarathi,
General Manager,
Bhavya Cements,
Tangeda Village & Post,
Dachepalli Mandal,
Guntur-Dist-522414.

Complainant

And

1. Chief General Manager/Finance/SPDCL/Tirupati
2. Divisional Engineer/Operation/Macherla
3. Senior Accounts Officer/Operation/Guntur

Respondents

Sri. V.Vijaya Sarathi, General Manager, Bhavya Cements, resident of Tangeda Village & Post, Dachepalli Mandal Guntur-Dist-522414 herein called the complainant, in his 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. He is representing in the capacity of General Manager works of HT SCNo: 3060 of Bhavya Cements, Tangeda Village of Dachepalli Mandal In Guntur-Dist.
2. They received penal charges heavily in November 2012 and December 2012 CC.bills. They feel that the calculations are not proper due to the

following points. So they requested APSPDCL higher authorities for correction of penal charge, still penal charges are continuing as arrears in January 2013 and February 2013 CC.bills.

3. They are bringing the penal charges details for their kind notice for reconsideration.

1. In November-12 peak demand penal charges for 6749.15KVA – Rs.5497294.79/-

i. As per APSPDCL power holiday's letter they followed peak hours daily as 18:30 Hrs to 22.30Hrs and purchased power through open access from 18:30 hrs tp 22:30 Hrs, accordingly.

ii. Due to 18:00 hrs to 18:30 hrs plant operation, Demand recorded high. APSPDCL power holidays letter copy and open access power purchase details enclosed for their reference in annexure 1&2. Due to change in peak load hour's timing penal charges imposed. They have requested to arrange to cancel the penal charges of Rs.5497294.79/-

2. In November-12 off Peak demand penal charges for 1881.15 KVA – Rs.1532230.27/-

i During power holiday's on 17-11-2012 we purchased open access power in non peak hours for plant operation and details given below.

From Hrs	To Hrs	Duration in Hrs	Booking Load in KW	Delivery load in KW	Total Delivered energy
00.00	18.00	18	2300	2170	39060
22.00	00.00	2	2300	2170	4340

ii. Without considering open access power penal were imposed. Open access power purchase details enclosed in their reference in

annexure-3. We request to consider open access power and arrange for reconsideration of the penal charges of Rs.1532230.27/-

3. In December -12, peak demand penal charges for 42.25KVA – Rs.42250.00/-

- i On 13-12-12 during power holidays we purchased power through open access in peak hours and the details given below.

From Hrs	To Hrs	Duration in Hrs	Booking Load in KW	Delivery load in KW	Total Delivered energy
18.00	20.30	2.30	3500	3270	8175
20.30	22.00	1.30	4200	3920	5880

- ii. They operated the plant without exceeding the demand limit with additional open access power, but for billing open access delivered energy 4 hours average considered as 3513.75 KVA instead of 3920KVA (max). They have requested to consider the open access demand with MRI readings and arrange for cancellation of the above demand penal charges.

4. In December-12 off peak demand penal charges for 1231 KVA – Rs.1538750/-

- i. On 24-11-12 during power holidays they purchased open access power for plant operation for 10 Hrs and the details given below

From Hrs	To Hrs	Duration in Hrs	Booking Load in KW	Delivery load in KW	Total Delivered energy
00.00	10.00	10.00	2000	1890	18900

- ii. During billing open access energy calculated for 20 Hrs average as billing demand i.e. 945 KVA instead of 1890KVA. They have requested to arrange for correction of average load for 10 Hrs

and correct the penal charges. Open access power purchase details enclosed in annexure-4

5. They have requested kindly consider the above and arrange for revision of penal charges in November-12 & December-12 months.

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

The respondents-2 and 3 i.e. the Divisional Engineer/Operation/ Macherla and the Senior Accounts Officer/Operation/Guntur in their separate but similar written submissions, dt:08-04-2013, received in this office on 18-04-2013 stated that:

The item wise written submission against the subject Consumer Grievance is hereunder.

1. **The November 12 peak period Penal charges :** The penal charges levied for exceeding the peak hours load restriction was revised while revising the November'12 bills and CC bill was revised for Rs.3,26,67,280.00 for the month of November'12. The penalty of Rs. 5497294.79 has been withdrawn.
2. **The November 12 Off peak penal charges (17.11.12):** The Open access power purchased was taken in to consideration while revising the November'12 CC bill and the penal Off peak MD 592KVA was levied for penalties. The open access power purchased was taken in to consideration.
3. **The December '12 Peak Demand penal charges (13.12.13):** As per the Guidelines issued by the Corporate office the Off peak open access MD will be arrived based on the total No.of units purchased for No.of hours power purchased by the consumer. And average Day Off peak

and Peak MD will be arrived based on the No of hours power purchase. The 15 Minutes intergration penalties could be arrived only after receipt of the final settlement from the EBC/APTRANSCO. Hence the penal MD was arrived based on the guidelines of the Corporate office.

4. The December'12 Off peak Demand penal charges (24.11.12) :

The Open access power purchased by the consumer on 24.11.12 was considered while revising the December'12 CC bill revisions and the Off peak penal charges on that day was limited to 286KVA. But the Off peak penalties were levied for penal Off peak penal MD718kva on 14-12.12 (which is MAX). Hence the contention of the consumer was considered.

The respondent-1 i.e. the Chief General Manager/Finance/SPDCL/Tirupati in his written submissions, dt:08-04-2013, received in this office on 08-04-2013 stated that:

The item wise written submission against the subject is submitted here.

Point No.1: November 2012 peak demand penal charges due to difference in the definition of peak Hrs.

Honourable APERC has defined peak Hrs as 18:30 to 22:30 in the order vide Proc.No.APERC/Secy/3/2012-13/dt:07-09-2012. Upon the request of the DISCOMs and due to avoid ambiguity, and to define peak hrs on par with TOD hours. Honourable APERC had redefined the peak hrs as 18:00Hrs to 22:00 hrs in the orders vide Vide Proc.No. APERC/Secy/14/2012/13/dt:14-09-2012. The consumer have to follow the peak hrs accordingly. However, this office has considered the delay in communication of orders and issued orders to consider peak hrs of 18.30 to 22.30 hrs upto 15-09-2012 and 18:00hrs to 22:00 hrs w.e.f 16-

09-12 vide this office Memo No:CGM/Opn/TPT/RAC/F.R&C/D.No.1/13 dt:02-01-2013.

The consumer is disputing the bill issued for November-12 payable in December 12. By that time there was no ambiguity with regard to definition of peak hours since all the changes were happened during September 2012 only. Hence the consumer request cannot be considered.

Point No. (2) to (4) : Levy of penal charges due to Non consideration or improper consideration of Open Access Energy:

In this connection, it is submit that, Open Access Energy adjustments are to be given only after receipt of settlement reports from energy billing center, APTRASNCO, Hyderabad. These reports from EBC are awaited.

In order to relieve the consumers from the burden of non settlement of Open Access Energy, APSPDCL has taken a decision to adjust Open Access Energy from the recorded energy of the consumers based on the day ahead schedules on daily average basis and to issue open access energy adjustment provisionally. Accordingly the bills are being issued. Final bills will be issued on the receipt of energy settlement reports from EBC/APTRASNCO/Hyd. Further, this office has taken decision to levy off-peak & demand penal charges in the ratio of 20:4 only. Instructions have been issued to field officers to revise the bills accordingly. In due course the complainant's bills will also be revised. In this connection the consumer may be advised to contact SE/O/GNT for clarification or for revised bills if he has not received the same.

In view of the above facts and as such there is no material strength in the grievance of the consumer and the same are not maintainable under any regulation/clause of General Terms & Conditions of supply it is requested to dismiss and disallow the claim of the consumer.

Findings of the Forum:

1. The grievance of the complainant comprises of 4 items related to billing of their industry with respect to R&C penalties.
2. The first item of dispute is
 - i. billing peak demand penal charges for November 2012 considering the peak hours as 18:30 Hrs to 22:30 Hrs during which period they purchased power through open access where as in the MRI readings it was taken as 18:00 Hrs to 22:00 Hrs. There by the demand recorded was on high side and penal charges were levied. Requested for cancellation of the penal charges Rs.5497294.79/-
 - ii. For this the respondents 1 and 3 replied that the penal charges levied for exceeding the peak hours load restriction for November 2012 in respect of the consumer for an amount of Rs.54,97,294.79 ps was withdrawn through revision of bill and hence the first part of the grievance is resolved.
3. Secondly the consumer represented about
 - i. the levy of penalty for off peak demand for the month of November 2012 for an amount of Rs.15,32,230.27/- without considering the open access power they purchased on 17-11-2012.
 - ii. For this the respondents reported that the open access power purchased was taken into consideration while revising the November CC.bill and penalty was levied for the exceeded Off peak MD.592KVA.
4. The third grievance of the complainant is about

- i. levy of penal charges of Rs 42,250/- for 42.25KVA peak demand for the month of December 2012 though they purchased power through open access on 13-12-2013 and operated the plant without exceeding the demand limit with additional open access power, but the MD was considered as 3513.75 instead of 3920 KVA maximum. Requested to consider the open access demand with reference to MRI readings and cancel the above demand penal charges.
 - ii. The respondents reported that the billing for the month of December 2012 was done as per the guidelines issued by the corporate office. The off peak open access MD was arrived based on the total number of units purchased for number of hours power purchased by the consumer. The average day off peak and peak MD was arrived based on number of hours power purchased. The 15 minutes integration penalties could be arrived only after receipt of the final settlement from the EBC/APTRANSCO. As such the respondents have to settle the account at the earliest possible.
5. The Fourth grievance of the complainant is about
- i. the MD billing with penal charges for the month of December 2012 for an amount of Rs.15,38,750/- though they purchased through open access for 10 hrs on 24-11-2012. During billing open access energy calculated for 20 hrs average as billing demand i.e. 945 KVA instead of 1890 KVA. Requested for average load of for 10 hrs instead of 20 hrs and correct the penal charges.

- ii. For this the respondents reported that the off-peak demand penal charges for December 2012 (24-11-2012), the open access power purchased by the consumer was considered on the above day while revising the December 2012 CC.bill and the off peak penal MD was limited to 286 KVA, but the penalties were levied for MD 718 KVA which is maximum on that day. Hence the contention of the consumer was already considered.

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

ORDER

The respondents are directed that they shall

1. Rectify the bills for the month of December 2012 in respect of the complainant's service GNT 6030 immediately after final settlement made by the EBC/APTRANSCO.
2. Report compliance in the item above soon after the settlement.

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 28th day of June 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, 5th floor,
Singarenibhavan, Redhills, Hyderabad-500004.
Copy to the General Manager/CSC/Corporate office/Tirupati for pursuance in this
matter.