

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

This the 30<sup>th</sup> day of June 2012

C.G.No:11/2012-13/ Guntur Circle

***Present***

***Sri K. Paul***  
***Sri A.Venugopal***  
***Sri T.Rajeswara Rao***  
***Sri K. Rajendra Reddy***

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

***Between***

Sri K.Rajagopala Rao  
Duggirala Post & Village  
Guntur Dist.

Complainant

***And***

1. Assistant Engineer/Operation/ /Duggirala
2. Assistant Divisional Engineer/Operation/Rural-1/Tenali
3. Divisional Engineer/Operation/Tenali
4. Superintending Engineer/Operation/Guntur

Respondents

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Sri K.Rajagopala Rao, Duggirala Post & Village, Guntur Dist. herein called the complainant, in his complaint dt:2-4-2012 filed in the Forum on dt:2-4-2012 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. He is having one industrial service bearing SCNo: 1212101000213 under category-III in the name of Sri K.Rajagopal with contracted load of 74.27 HP at Duggirala village and Mandal, Guntur-Dist.
2. The ADE/R/Tenali inspected his service and booked a case of additional load for 75 HP.

3. But he did not pay the said amount on that day and subsequently on 3-1-2011, his service was sanctioned under LT-III (B).
4. Accordingly an amount of Rs 1,83,200/- was paid by him through DD No: 079045 dt: 7-4-2011 obtained in the name of DE/Opn/APSPDCL/Tenali and an amount of Rs 42, 000/- through DDNo: 079046 dt: 7-4-2011 in the name of SAO/APSPDCL/Guntur and the two DDs were handed over on 9-4-2011.
5. At present as the turmeric business is not so encouraging, he removed the additional load and he is not in need of the additional load and also, because of his inability to purchase the DP structure and the 160 KVA transformer on account of his financial crises and not having a view of going for additional 75 HP load he wish to continue with the existing load of 74.27 only.
6. In view of the above he requests for refund of the amount of Rs 2,25,200/- already paid through DDs otherwise the said amount may be adjusted against the regular CC.bills are the ACD Rs 70,830/- for the service number 1212101000213.

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

**The respondents 1 and 2 i.e. the Assistant Engineer/Operation/Duggirala and the Assistant Divisional Engineer/Operation/Rural-1/Tenali in their written submission dt:24-4-2012 and 25-4-2012 received in this office on dt:2-5-2012 and 5-5-2012 stated that:**

1. With the application of the consumer of SCNo: 213, the estimate was sanctioned for conversion from LT category-III (A) to LT category-III (B) with a load of 150 HP vide sanction No: DR.Cap.No.183/10-11 dt:3-1-11 (WBS.No.E-2010-02- 04-11-01-019).

2. Then the consumer paid Rs 1,83,000/- towards SLC charges vide DD.No. 079045 dt:7-4-2007 PCB.No.12935 dt:9-4-2011 and paid Rs 42,000/- towards SD charges vide DDNo.079046 dt:7-4-2007 PCB.No.27425 dt:9-4-2011 and work order taken and partial material also drawn.
3. The consumer has represented to refund the SLC and SD charges.
4. The consumer stated that he has not exceeded the contracted load of 74.27 HP.
5. But it has been observed that the consumer has exceeded the contracted load of 74.27 HP from April-2011 to April-2012.

**The excess load particulars are as follows:**

Month	Load of the Month
01-4-2011	- 110.72 HP
09-4-2011	- 105.50 HP
08-5-2011	- 110.46 HP
09-6-2011	- 107.91 HP
08-7-2011	- 107.24 HP
09-8-2011	- 98.39 HP
08-9-2011	- 91.29 HP
08-10-2011	- 100.13 HP
10-11-2011	- 107.64 HP
9-12-2011	- 79.89 HP
09-1-2012	- 74.66 HP
09-02-2012	- 80.83 HP
10-3-2012	- 75.20 HP
09-4-2012	- 81.76 HP

Hence the consumer has been exceeding the contracted load till to date and also the electrical inspector approval is not furnished so far to take up the work.

**The respondent-3 i.e. the Divisional Engineer/Operation/Tenali in his written submission dt:24-4-2012 received in this office on dt:2-5-2012 stated that:**

1. An estimate for E/s to LT category-III (B) service to CMD of 100KVA with a connected load of 150 HP to Sri K.Raja Gopala Rao, Railpet, Duggirala (V&M) in lieu of LT category-III SC.No:1212101000213 of load 74.27HP was sanctioned vide DRCAP No. 183/10-11 as per the LT application filed by the consumer on 27-11-10.
2. On 3-1-2011 letter was addressed to the consumer for payment of Rs 1,83,200/- towards non refundable service line and development charges and Rs 42,000/- towards security deposit.
3. Accordingly the consumer has paid the amounts SLC and security deposit.
4. ON 22-9-2011, the ADE/Opn/R-I/Tenali has informed that the consumer of SNo: 213, category-III (B) has made a representation wherein he has stated that due to his financial conditions he is not in a position to take the additional load and therefore requested for refund of amount of Rs 2,25,200/- which was paid earlier towards SLC and security deposit or alternatively adjust the paid amount to their alternative service No:121201000213, category-III at Duggirala for the monthly CC.bills and ACD amount.
5. Accordingly ADE/Opn/R-I/Tenali was called for certain information i.e. whether the work order was taken for the said estimate and any materials were drawn for execution of the work.
6. On 24-4-2012, the AAE/Opn/Duggirala has informed that the work order was taken and partial materials were also drawn for the sanctioned estimate.
7. Also it was informed that the consumer has not produce the electrical inspector approval till to date which is mandatory for releasing of service to

the HT metering services as per electricity act 2003 and central electricity authority (MSES regulation 2010).

8. The initial account statement is herewith enclosed.
9. On 12-12-2011, the ADE/Opn/R-1/Tenali, has informed that the consumer has been exceeded the CMD nearly 25HP over and above the existing CMD during the consequent months from 04/11 to 11/11 duly requesting to cause necessary instructions for refund of amount.
10. Accordingly ADE/Opn/R-1/Tenali was instructed vide letter dated 16-11-2011 to regularize the load, since the consumer has already made the payment and he is exceeding the existing CMD.
11. The consumption particulars in respect of SCNo. 213, LT category-III A for the last one year.

Sl No.	Month	Load of the Month
1	01-4-2011	110.72 HP
2	09-4-2011	105.50 HP
3	08-5-2011	110.46 HP
4	09-6-2011	107.91 HP
5	08-7-2011	107.24 HP
6	09-8-2011	98.39 HP
7	08-9-2011	91.29 HP
8	08-10-2011	100.13 HP
9	10-11-2011	107.64 HP
10	9-12-2011	79.89 HP
11	09-1-2012	74.66 HP
12	09-02-2012	80.83 HP
13	10-3-2012	75.20 HP
14	09-4-2012	81.76 HP

### **Findings of the Forum:**

1. The grievance of the complainant is about refund of the Service Line Charges and security deposit in view of his limiting the connected loads to the limits LT already existing in.
2. The complainant's industry was inspected and served notice for additional load of 75 HP over and above the sanctioned load of 74.27HP.
3. The necessary estimate for suitable enhancement of network was sanctioned on 3-1-2011 by the SE/Opn/Guntur and the cost of the estimate was Rs 1,83,000/-
4. Accordingly the complainant paid the service line charges and development charges Rs 1,83,200/- and Rs 42,000/- towards security deposit for the said additional load of 75HP in the form of DDs on 7-4-2011.
5. The respondents reported that the said amounts paid by the complainant were remitted to the department on 9-4-2011 through PCB number 27425 and the work order was also taken partial materials were drawn towards the said work.
6. At a later date of payment the complainant made representation that he is not in a position to take up the additional load and requested for the refund amounts paid towards the said additional load.
7. The respondents reported that the necessary work order was obtained and certain materials were drawn for carrying out the work.
8. The respondents reported that the complainant was continued to exceeded the contracted load till to date and submitted a data to that effect from 4/2011 to 4/2012.

9. As seen from the data it is understood that the complainant is continued to exceeded the contracted load excepting in the month of 5/2012 and 6/2012 where the MD was 49.6 and 41.9.
10. In accordance with clause number 5.3.2.1, any applicant withdraws his requisition before the Company takes up the work for erection of the service line, the Company may refund the amount paid by the consumer after deducting 10% of the cost of the sanctioned scheme towards establishment and general charges. No interest shall be payable on the amount so refunded.
11. But here in this case it appears that the work was not taken up and hence the respondents can refund the amounts already paid by the complainant duly deducting Rs 18320/- being the 10% amount towards establishment and general charges.
12. The amount of Rs 42,000/- paid towards security deposit on account of additional load may also be refunded or otherwise may adjust towards future bills of the complainant.
13. Though the complainant mentioned that he is not exceeding his contracted load, but the reading data of the service reveals that the complainant is habituated to exceed the contracted load and continued to use till 4/2012.
14. The complainant only after making the complaint reduced the usage.

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

### **ORDER**

The respondents are directed to

1. Refund the amount of Rs 2,25,200/- to the complainant duly deducting Rs 18320/- towards establishment and general charges (10%) and Rs 200/- towards application fee within 15 days from the date of this order.

2. Report compliance on the item-1 above of the order within 21 days from the date of this order.
3. The complainant is informed if in any month the contracted load exceeds the LT limits, the respondents will apply the penal rates.

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 30<sup>th</sup> day of June 2012.

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.