

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

On this the 29th day of October 2013

In C.G.No: 110/ 2013-14/Tirupati Circle

Present

Sri K. Paul
Sri A. Venugopal
Sri T. Rajeswara Rao
Sri A. Satish Kumar

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

Between

Sri. K.Sundhar Murthy
c/O Lakshmi Metallurgy Ltd.
Special Plot No:1
APIIC Industrial Estate
Palamaneru Post & mandal
Chittoor-Dist-517408

Complainant

And

1. Assistant Divisional Engineer/Operation/Palamaneru
2. Chief General Manager/Finance/SPDCL/Tirupati
3. Divisional Engineer/M and P/Tirupati
4. Divisional Engineer/Operation/Rurals/Chittoor
5. Senior Accounts Officer/Operation/Tirupati
6. Superintending Engineer/Operation/Tirupati

Respondents

Sri. K.Sundhar Murthy, C/o Lakshmi Metallurgy Ltd. Special Plot No:1, APIIC Industrial Estate, Palamaneru Post & Mandal, Chittoor-Dist-517408, herein called the complainant, in his complaint dt:06-07-2013 filed in the Forum on dt:06-07-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that

1. There is a Metallurgical industry at 33KV potential with a contracted load of 3520KVA and the service number is TPT316.
2. The honourable APERC as well as APSPDCL have issued orders from time to time starting from 07-09-2012 regarding implementation of R&C

billing and its revision based on the MRI data duly collecting options from the consumers. But the SE/Opn/Tirupati and the SAO have not followed above said orders.

3. They are being threatened by the department every month 25th onwards and some times the service was disconnected. The action above of the respondents is unlawful and very much damaging their business and image of their company having reputation in the society.
4. Requested the invention of the Forum and do justice for the revision of the bills in accordance with the orders and MRI data.

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

The respondent-2, i.e. the Chief General Manager/Finance/SPDCL/Tirupati in his written submissions dt: 15-07-2013, received in this office on 16-07-2013 stated that:

1. The consumer requested for revision of CC.bills issued the service as per the R&C orders issued by Honourable APERC and directions issued by this office for their implementation from time to time, it is to submit that this office deals with policy issues only.
2. Further it is to submit that, instructions were already issued to the SE/Opn/Tirupati to revise all the bills of the consumer if they are pending for revision on 15-07-2013.
3. In view of the above and as the complaint is not specific and the subject matter i.e. revision of bills, related to the operation circle, Tirupati. It is requested to withdraw the CGM/Finance as a respondent in this subject Grievance please.

The respondent-6, i.e. the Superintending Engineer/Operation/Tirupati in his written submissions dt: 17-07-2013, received in this office on 18-07-2013 stated that:

1. The billing process from Nov/2012 to till to date in respect of HT TPT 316 of M/s.Lakshmi Metallurgical (P) Ltd., Palamaner is done as per the guidelines issued by the APERC from time to time and there is no deviation of APERC guidelines.
2. Further this is to submit that the above consumer given the option form as he agreed to opt the **OPTION-B** under clause.13 vide reference 2nd cited for Nov/2012 and Dec/2012. Based on the consumer option the Divisional Engineer/Rural/Chittoor has submitted the MRI deviation sheets for billing and based on the MRI the R&C billing process has been done for above HT service. As per the guidelines issued in reference 3rd and 4th cited, the bills are revised for the month of Nov/2012 and Dec/2012, duly withdrawn excess amount of Rs.11,45,576/- for Nov/2012 and Rs. 33,17,500/- for Dec/2012 vide R.J.No.18/02-2013 and R.J.No.19/02-2013 respectively, duly taking the formula 4/24 for Peak demand charges and 20/24 for Off-peak demand charges. The same has been informed to the consumer vide letter dt:15-07-2013.
3. And it is also inform there is no R&C penalties levied to the above consumer from January/2013 to June/2013 except April/2013 of Rs.33,41,662.20/- .
4. The documental evidences for all the above is herewith enclosed for your reference.

Findings of the Forum

1. The grievance of the complainant is that the CC.bills in respect of their HT industry were issued deviating the orders issued by the Honourable APERC from time to time in connection with billing during the period of R&C and requested the intervention of the Forum to order the

respondents to revise the bills in accordance with the orders communicated by the Honourable APERC in the matter of R&C billing.

2. The respondent-6 i.e. the SE/Opn/Tirupati in his reply stated that the bills in respect of the service TPT 316 was done as per the guide lines issued by the APERC from time to time from November 2012 onwards and there is no such deviation as alleged by the complainant.
3. The consumer has agreed and opted for 'B' for the months of November and December 2012 under clause 13 of the proceedings of APERC 16/2012-13 dt:01-11-2012 In view of the above, the Forum passed the following order.
4. The deviations to the R&C was reported by the DE/R/Chittoor through the MRI data and the billing was done accordingly.
5. Further as per the instructions of the CGM/Finance/APSPDCL/Tirupati in his Memos: dt:02-01-2013 and 04-02-2013 the bills for November and December 2012 in respect of the consumer were revised and an amount of Rs.11,45,576/- and Rs.33,17,500/- were with drawn through RJ Nos:18/2-13 and 19/2-13 as excess billing for the months of November and December 2012 respectively and the same was informed to the consumer on 15-07-2013.
6. As could be seen from the above the complainant simply mentioned that the respondents are not following the orders of the honourable APERC in the matter of R&C billing he did not mention in specific the months for which he was made to suffer with the threat of disconnection of the service.
7. How ever as per the copies of the bills enclosed by the complainant the dispute is for the billing months of April and May 2013 for which the respondents mentioned that there are no R&C penalties levied in respect

of the consumers service from January 2013 to June 2013 excepting for April 2013 against which an amount of Rs.33,41,662/- was levied.

8. The bills for November and December 2012 in respect of the service were revised in the month of February 2013 and the total amount of Rs.44,63,076/- was withdrawn, but the matter was intimated to the consumer on 15-07-2013 i.e. after 5 months of its revision that to after the consumer approaching the Forum for which the respondents did not explain any reasons.
9. In accordance with the Guaranteed Standards of Performance the consumer bill revision shall be effected with in 7 working days on receipt of the complaint where additional information is required failing which the complainant is to be compensated @ Rs.25/- for each day of delay.
10. But in this case, the complaint is not specific, but however, the respondents revised the bills and with drawn an amount of Rs.44,63,076/- from the consumer's account but the reasons are not explained.
11. Since the complaint came up after the said bill revision above, it appears that the complaint is still having un resolved grievance which he could not explain properly and clearly.
12. As such, it is felt by the Forum that the consumer shall once approach the Superintending Engineer/Operation/Tirupati with written complaint, explain the case, and get it resolved and the SE shall dispose the case based on its merits expeditiously in the light of the proceedings of the honorable APERC, delivered from time to time as applicable.

ORDER

The respondent -6, ie the Superintending Engineer/Operation/Tirupati, shall accept the representation of the complainant and resolve his grievance by revising the consumer bills if necessary, strictly in accordance with the Proceedings of the honorable APERC, issued from time to time in respect of billing during the periods of R&C measures.

The complainant is advised to approach the Superintending Engineer/Operation/Tirupati, with his written representation in specific and seek resolution deemed fit.

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 this the 29th day of October 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 to the General Manager/CSC/Corporate office/Tirupati for pursuance in this matter.