

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

On this the 21st day of September 2013

In C.G.No: 116/ 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. P.Satish Kumar
Managing Director
Industrial Park Expension
S.B.Nagar, Renigunta Road,
Tirupati
Chittoor-Dist517506

Complainant

And

1. Assistant Divisional Engineer/Operation/Renigunta
2. Divisional Engineer/M&P/Tirupati
3. Chief General Manager/Finance/APSPDCL/Tirupati
4. Divisional Engineer/Operation/Town/Tirupati
5. Senior Accounts Officer/Operation/Tirupati

Respondents

Sri. P.Satish Kumar, Managing Director, Industrial Park Expension, S.B.Nagar, Renigunta Road, Tirupati, Chittoor-Dist-517506 herein called the complainant, in his complaint dt:16-07-2013 filed in the Forum on dt:16-07-2013 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 an SSI unit with Sc.No: TPT1140 with a contracted load of 118HP and the supply was released on 24-08-2007.
2. They are paying the bills promptly as per the demands every month.

3. For the last nine months they have been facing lot of disturbances with the SPDCL and there was no communication on the actions from the officials on the representations made by them.
4. They are very much aware of the peak load hours between 18:00 to 22:00 hrs and they had not at all carried out production during that particular duration for few years and surprised to receive the demands with penal values.
5. They have given strict instructions to their staff to carry the production after 22:15 hrs only every day. Recently they had noticed that their energy meter was lagging with about 45 min when compared with exact time which effects to R&C measures/penal values in every month demand.
6. Incidentally, the timings recorded were 21-30 hrs due to differences of time in the energy meter. We had represented SE, DE & ADE several times informing that excess bill noticed in latest demand and didn't receive any clarification for the same. We had acknowledged our representations made to SE and DE.
7. But, ADE didn't acknowledge for all our representations. He was telling that "I will not acknowledge, whatever letter you want to submit just give it to me". We have seen him the first person since we are submitting several representations to various departments even in secretariat also we have been acknowledged.
8. Every month we have been representing the officials and informing them that we are paying entire amount excluding penal charges only. We have been even paying the FSA charges also for two different periods. Surprisingly without prior information ADE, Renigunta has

disconnected our service on 28-06-2013 at around 8:00 AM. Then he orally informed that only for the arrears pertaining to penal values we have disconnected at around 12:00 noon.

9. Next day we had paid Rs. 25,000/- after requesting ADE by taking two installments. Kindly rectify the meter to set the exact time and waive off the entire R&C measures billing/penal values imposed on us and allow us to pay the latest demand without penal charges by deducting already paid amount of Rs.25,000/-. This is the first instance that our service was disconnected by SPDCL.
10. We had been very much depressed and grief-stricken and faced mental agony for the act happened with ADE. We had informed him several times orally and in writing about the R&C measures/penal values, even then he has not turned up to see the exact time fixed in the meter even at the time of recording the consumption particulars every time for the last six months. We ourselves noticed the time in the meter and brought to the notice of AGP and other officials of government departments for evidence. We sincerely hope that we shall get permanent relief by informing you the facts for justice instead of approaching court of law or Lokayukta for justice.
11. Further, we had submitted our representations to SAO & SE on 25-05-2013 informing that reduction of load from 118 HP to 99HP since we couldn't able to pay the Demand Charges at Rs.350/- per KVA. Also, we are not even utilizing 60% CMD of our contracted load since several years. We didn't get any information in this regard till now. We had received two demands both were calculated at Rs.350/- per KVA even after our representation.

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

The respondent-1 i.e. the Assistant Divisional Engineer/Operation/ Renigunta, in his written submissions dt: NIL, received in this office on 26-07-2013 stated that:

1. The complaint is having service connection bearing No.TPT 1140 of M/s Sapphire Blossom Rocks Pvt. Ltd. Renigunta Road, Tirupati and the same was released on 24-08-2007 as per records. The averement of the complainant that he is regularly paying the bill amounts is misleading. In this connection, it is brought to your kind authority that the complainants service is appearing in the defaulters list from Feb-2013 onwards. On perusal of the said disconnection lists, he is a default from Feb-2013 onwards and on several times intimated to pay the arrears of the amount in issued bills. But, in-spite of the intimation, he did not comply the same. On 28-06-2013 the service was disconnected, on the ground that, the complainant was in arrears of Rs.46,895/-. After disconnecting the same, the complainant paid a sum of Rs.25,000/- on 29-06-2013 as part payment. Suppressing all the facts, he made false allegations against me. The allegations made by the complainant the timings in the energy meter is lagging behind by the 0.45 minutes to his timings, the said fact was not brought to my notice earlier. However now steps are being taken for correction error if any to the concerned authorities for taking necessary action.
2. The allegations referred in para 3 of the complaint is absolutely baseless and untenable. Further, the complainant requested for reduction of load from 118 HP to 99 HP will be taken based on the

approval of the higher authorities. The bills from 1-4-2013 were issued by the Senior Accounts Officer/APSPDCL/Tirupati based on the prevailing tariffs.

The respondent-3 i.e. the Chief General Manager/Finance/APSPDCL/Tirupati, in his written submissions dt: 26-07-2013, received in this office on 30-07-2013 stated that:

1. **Adjustment of Meter Clock:** Instructions were already issued to the field officer vide item No:15 on letter dt:02-01-2013 for making necessary adjustments in the meter.
2. **Deration of CMD from 118 HP to 99 HP:** In this connection it is to submit that, no such proposals are pending with this office.
3. In view of the above, it is requested that, the consumer may be advised to approach, the SE/Opn/Tirupati for getting the grievance settled since, the matter pertains to the Operation circle and records are maintained at that end only.

The respondent-2 i.e. the Divisional Engineer/M&P/Tirupati, in his written submissions dt: NIL, received in this office on 12-08-2013 stated that:

1. Adverting to the reference cited, it is to submit that time correction of 41 minutes delay in energy meter of HT ScNo:1140/TPT Sapphire Blossom Rocks (P) Ltd., has been corrected on 25-07-2013 and the billing can be revised accordingly for one integration period.

Findings of the Forum

1. The Grievance of the complainant is that they have received bills for their industry service with penal rates during the R&C periods for no fault of them, but due to the difference in the clock of the meter and

the consumer's clock which differs with a value of nearly 45 minutes also the respondents did not give any communication and action to resolve the problem for the past 6 months.

2. The respondent-1 i.e. the ADE/Opn/Renigunta replied that the complainants service is appearing in the D-list from February 2013 onwards and the consumer was intimated several times intimated to pay the arrears of the amount of the bills, but the consumer did not comply with and finally on 28-06-2013 the service was disconnected on the ground that there is an arrears of Rs.46,895/- and the consumer paid an amount of Rs.25000/- on the immediate next day as part payment.
3. The allegation that there is time difference of 45 minutes in the clocks of energy meter and the consumer was never brought to notice earlier. The request of the complainant for reduction of load from 118 HP to 99HP will be taken based on the approval of the higher authorities.
4. The respondent-3 i.e. the CGM/Finance/SPDCL/Tirupati replied that instructions were already issued to the field officers for making necessary adjustments in the meter with regards to time and also no proposals from 118 HP to 99HP load deration is pending with him.
5. The respondent-2 i.e. the DE/M&P/Tirupati in his reply stated that the time correction of 41 minutes delay in energy meter of HT Sc.No:1140 Tirupati has been corrected on 25-07-2013 and the billing can be revised accordingly for one integration period.
6. The CGM/Finance did not care for whether instructions of his or implemented and bills revised and is enthusiastic in giving advise to

the Forum to advise the complainant to approach SE/Opn/Tirupati in this matter. The fact is that the respondents from Office of SE/Opn/Tirupati, SAO/Opn/Tirupati did not even reply for the notice of the Forum. The deviation proposals acknowledged by SEs Office on 06-06-2013 in the light of the above facts, the CGM/Finance shall limit his replies to the facts apprised and action taken in resolving the complaint. The advises will not resolve the problem and this is to be noted.

7. Though the respondent-2 mentioned that the billing is to be revised for one integration period i.e. 30 minutes, since the time delay is 41 minutes as stated by him it requires revision for two integration periods since the delay is more than 30 minutes.
8. As such the respondents are liable to revise the consumer bills for the entire period of R&C duly considering the above factor and adjust the amounts if already paid in excess by the consumer to his service.
9. The complainant represented that he had requested for load reduction from 90KVA to 60KVA on 25-05-2013 to the respondents and hence the deration is to be effected with effect from 26-08-2013 with which the period of 3 months expires and the minimum agreement period two years was already expired by 23-08-2009 in accordance with clause 5.9.4.2 of GTCS.
10. As such the respondents shall revise the bills of the consumer in accordance with item-7 of the findings above and also shall effect the deration of the service to 60KVA with effect from 26-08-2013 and the bills shall be issued accordingly.

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

ORDER

The respondents are directed that

1. They shall revise the bills of the consumer in two integration periods during the R&C period and adjust the amount if already paid in excess to the consumers service future bills.
2. They shall effect the load deration of the said service with effect from 26-08-2013 onwards and the bills shall be raised accordingly. Any amount paid in excess in this regard shall be adjusted to the future bills of the consumer.
3. The items 1 and 2 above of the order shall be complied within 15 days from the date of this order and compliance shall be reported within further 7 days.

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 21st day of September 2013.

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| Sd/- Member (Legal) | Sd/- Member (C.A) | Sd/- Member (Accounts) | Sd/- Chairperson |
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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.