

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

**On this the 19<sup>th</sup> day of December 2013**

**In C.G.No:133/ 2013-14/ Guntur 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.Satyanarayana Raju  
Vasanthi Marine Foods  
Adavi Village and Post,  
Bapatla mandal  
Guntur-Dist

Complainant

***And***

1. Assistant Engineer/Operation/Rurals/Bapatla
2. Assistant Divisional Engineer/Operation/Bapatla
3. Chief General Manager/Finance/SPDCL/Tirupati
4. Divisional Engineer/Operation/Bapatla
5. Senior Accounts Officer/Operation/Guntur

Respondents

\* \* \*

Sri.P.Satyanarayana Raju, Vasanthi Marine Foods Resident of Adavi Village and Post, Bapatla mandal, Guntur-Dist herein called the complainant, in his complaint dt:12-09-2013 filed in the Forum on dt:12-09-2013 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 a HT service with ScNo:GNT592 for the aqua culture service at Adavipallipalem village of Bapatla in Guntur-Dist.
2. For the service above an amount of Rs.15,30,196.5 was displayed as R&C penalty for the month of June.
3. They were instructed to utilize 60% of load during off-peak period, but for the month of June the bill was issued @ 39.6%.

4. They have not received any information from the AE, ADE and DE in this regard .
5. The 11KV feeder to their industry was emanating from Epurupalem and the three phase supply on the said feeder was only 15 hrs in a day.
6. Requested to revise the bill for the month of June duly considering the R&C at 60% and render justice. The matter was represented to the SAO/Operation/Guntur, the Senior Accounts Officer/Circle Office/ Guntur, Divisional Officer/Operation/Bapatla and the Assistant Divisional Engineer/Operation/ Bapatla, but there is no action.

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

**The respondent-5 Senior Accounts Officer/Operation/Guntur in his written submission 20-09-2013 received in this office on 21-09-2013 stated that:**

1. The consumer of HT Sc.No. GNT 592, M/s.Vasanthi Marine Foods, Adivi (V), Bapatla (M), Guntur (Dist.) has represented for withdrawal of R & C penalties for the month of 06/2013 as they are sufferers for cultivation of prawns. The consumption of KVA & KVAH has exceeded than the permitted limit during off-peak hours for the month of 06/2013 and R & C penalties has imposed as per instructions from Hon'ble APERC vide Memo.No.CMD/APSPDCL/TPT-RAC/F.R&C/D.No.330/13,Dt.30.05.13. The details of R & C penalties are as follows.

HT Sc.No.	R & C penalty details			
	Exceeded Off-Peak KVA	Exceeded Off-Peak KVAH	Demand charges	Energy Charges
592	86.40	53410	126000.00	1530196.50

2. The HT CC bill along with R & C penalties for the month of 06/2013 has been issued to consumer as per MRI data sheet furnished by the Assistant Divisional Engineer, Operation, Bapatla as the Bills were issued by taking

39.6% as per the report but not 60% as stated by consumer and same is informed to the consumer vide this office Lr.No.SE/O/GNT/SAO/JAO/ HT/A1/ D.No.312 /13, Dt.07.09.13.

**The respondent-2 Assistant Divisional Engineer/Operation/Bapatla in his written submission dt:NIL received in this office on dt:25-09-2013 stated that:**

1. He is working as ADE/Opn/Bapatla. The consumer of Sc.No: GNT, HT Category-I., Sri P.Satyanarayana Raju, Adavipalem represented that he received the CC.bill for june 2013, under R&C penalty was imposed to an extent of Rs.1530196.50. Hence the consumer must utilize the power to an extent of 39.6% of CMD; instead of 60% CMD. The circular in fact received to ADE/O/Bapatla on 17-06-2013 through DE/O/Bapatla zexox copy of the circular is submitted herewith for due verification and as self is explanatory. After receiving this notice, very soon this was intimated to one and all the consumers of HT. category-I in Bapatla Sub-Division (including this consumer) over phone. The circular received in the office on 17-06-2013 and circulated to all the AEs in the sub-Division for information.
2. Further as per the instructions of SE/O/Guntur and as per guidelines of APERC from time to time, a circular was communicated to all the HT consumer to observe and follow the guidelines of power utilization and requested to restrict the demand and the consumption to the limits as per the formula stated above w.e.f 07-11-2012 and co-operate with SPDCL during power crises period vide LrNo:ADE/OSD/BPT/3132/12, DT:06-11-2012. The acknowledgement of consumer of ScNo:GNT was obtained in the notice and is herewith submitted for kind verification. The data sheet as intimidated is submitted herewith for verification.
3. The power line is from 11KV Odarevu feeder emanating from 33/11KV Chirala Sub-Station which is 24 hrs supply in three phase.

**The respondent-3 Chief General Manager/Finance/SPDCL/Tirupati in his written submission dt:21-09-2013 received in this office on dt:21-09-2013 stated that:**

1. The complainant is an HT consumer having service No.GNT-592 under the jurisdiction of operation circle Guntur.
2. The complainant has made a representation dt:25-07-2013 received on 12-08-2013 to this office regarding billing discrepancy for the month of June 13.
3. As the subject dispute is not a policy dispute and relates to billing of operation circle Guntur, a detailed report has been asked from the SE/Opn/Guntur on 06-09-2013 and the same is awaited.
4. On receipt of the detailed report, the grievance of the consumer will be settled as per applicable R&C guidelines in force.
5. In view of the above facts as the complaint is under the process of redressal, it is requested to exclude the Chief General Manager/Finance from the list of respondents of the case.

**Findings of the Forum:**

1. The grievance of the complainant is that the bill for their aqua culture HT service for the month of June was issued on high side with a penalty of Rs.15,30196.5/- under R&C violation duly taking the demand at 39.6% of the CMD instead of 60% that was already communicated.
2. The main contention of the complainant is that before levy of the said penalty at 39.6% they were not intimated about the said limitation by none of the officers of the department, but they are under the presumption that they can utilize upto 60% of the CMD and utilized power accordingly.
3. The respondent-2 i.e. the ADE/Opn/Bapatla in his reply stated that the circular about the limitation of CMD to 39.6% instead of 60% was received by him on 17-06-2013 through the DE/Opn/Bapatla and immediately he

intimated all the consumers of HT category-I in Bapatla sub division including the complainant over phone. As per the instructions of the SE/Opn/Guntur and as per guidelines of APERC from time to time a circular was communicated to all the HT consumers to observe and follow guidelines of power utilization and requested to restrict the demand and the consumption to the limits as per the formula with effect from 07-11-2012 and the same was communicated on 06-11-2012 the complainant also acknowledged the said circular notice.

4. Also the supply to the industry is on 11KV Odarevu feeder emanating 33/11KV Chirala substation and is having 24 hrs 3 phase supply.
5. From the above it is very clear that the letter dated:06-11-2012 of the ADE said to have been communicated to all the HT consumers including the complainant indicates that the consumer being availing supply at 11KV can utilize maximum demand of 65% during off-peak period and the complainant continued following the same.
6. But as far as the limitations of the demand to 39.6% of the CMD during off-peak, there is no evidence in support of the corresponding that the said information had been passed on to the consumer. The contention of the ADE that he had informed the consumer over phone along with all other consumers under his jurisdiction cannot be taken into consideration as there is no proof for this also.
7. As such it is construed that the respondents failed in communicating the restrictions to be followed by the complainant in the utilization of power for their industry during R&C period and hence have got no right to levy penalty treating the consumer violated the R&C measures.
8. As could be seen from the copy of the bill dt:26-06-2013 for the month of June 2013 produced by the complainant the billing was made from

22-05-2013 to 22-06-2013 and the off peak energy charges were levied on the consumer an amount of Rs.15,30,196.5 as penal value.

9. The respondent-2 says that he had intimated all the consumers about the revised R&C demand on 17-06-2013 over phone which is almost the end of the billing month i.e. only 5 days left over. As such it is very difficult for any consumer to follow the said instructions as the period was already elapsed.
10. The respondent-3 i.e. the CGM/Finance/SPDCL/Tirupati in his reply while accepting that the consumer made a representation to his office which was received on 12-08-2013 regarding billing discrepancy for the month of June 2013 stated that the dispute in the matter under subject is not a policy matter and it relates billing only which is to be decided by the SE/Opn/Guntur.
11. As such it is felt by the Forum that the levy of penalty on the consumer without having proper notice of any consumer herein this case the complainant is unjust. But due to the lapses of the respondents in intimating the consumer about the R&C measures there was unwanted demand on the grid by which the very purpose of R&C is defeated and the licensee sustained loss to that effect. To make good such loss it is felt that the respondents shall have to compensate the said loss at their own.
12. It is concluded that it is the responsibility of the respondents to meet the said amount of penalty Rs.15,30,196.50 NP at their own.

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

### **ORDER**

The respondents are directed that

1. They shall meet the said amount of Rs.15,30,196.5 from their own and remit the same to the licensee to make good the revenue of the company within 30 days from the date of this order.

2. They shall intimate any consumer well in advance of not less than one week under dated acknowledgement in future if any change to be observed by the consumer with regards to the consumption and the demand during the periods of R&C and see that such cases will not repeat.

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 19<sup>th</sup> day of December 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.