

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

On this the 13th day of March 2014

In C.G.No: 148/ 2013-14/Vijayawada 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

Smt. S.Vasantha Lakshmi
C/o Amrutha water works
DNo:21-126, Jain Colony Road,
Gollapudi Post & Mandal,
Krishna-Dist-521225

Complainant

And

1. Assistant Accounts Officer/ERO/Town-2/Vijayawada
2. Assistant Engineer/Operation/Gollapudi
3. Assistant Divisional Engineer/Operation/D-1/Vijayawada
4. Senior Accounts Officer/Operation/Vijayawada

Respondents

Smt. S.Vasantha Lakshmi, C/o Amrutha water works DNo:21-126, Jain Colony Road, Gollapudi Post & Mandal, Krishna-Dist-521225 herein called the complainant, in *her* complaint dt:21-11-2013 filed in the Forum on dt:21-11-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 had stated that

1. She is running a mini mineral water plant at Gollapudi village of Vijayawada Rural mandal in the name style of Sri Amrutha Water Works.
2. The plant is provided with 3 phase service connection bearing number:6435610008555 with three phase supply and the plant is having recognition under SSI.

3. Every month the bill was issued under category-III, but in the recent two to three months the bills were received under category-II and a notice was received to that effect on 22-10-2013 for an amount of Rs.38922 with a condition that the said amount shall be paid within 15 days and it is difficult for them to pay.

4. Requested to recategorised the service

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

The respondent-1 i.e. the Assistant Accounts Officer/ERO/Town-2/Vijayawada in his written submissions dt: 27-11-2013, received in the Forum on dt: 29-11-2013 stated that:

1. The service No:64356-10-008555 of Gollapudi section, phase-3 was released under category-III on 14-12-12. The internal audit was conducted by M/s Challa Associates, Guntur during the month of 07/2013 raised as per tariff order 2013-14 on objection to bill the private water plants under category-II instead of category-III. The services for which the auditors objected are as follows:

S.No.	SC.No.	From category	Section	To category	SF Amounts
1	64356-10-006180	III	Goppapudi	II	41746.00
2	64356-10-007326	III	Goppapudi	II	63816.00
3	64356-10-008555	III	Goppapudi	II	38922.00
4	64356-11-005071	III	Goppapudi	II	35702.00
5	64356-11-006836	III	Goppapudi	II	46864.00
6	64356-18-000918	III	Goppapudi	II	32202.00
7	64356-18-000789	VI	Goppapudi	III	22155.00
8	64356-18-000975	III	Goppapudi	II	1893.00
9	64356-11-007316	VI	Goppapudi	III	172029.00

2. Further as per the audit objection vide para No:1 (2) the subject was discussed with the field officers, audit shortfall is included in the 8/13 CC.bill by issuing a written notice to consumer on 22-10-2013 and category is changed from III to II

Findings of the Forum:

1. The complainant is an industrial consumer running a mini mineral water plant availing supply at three phase and the bills for the service were issued under category-III while the bills were issued under category-II for the same service from two months prior to the date of the complaint made in November 2013 and a notice for an amount of Rs.38922/- was received by her wherein it was also mentioned that the said amount is to be paid within 15 days which is very difficult for her and requested to change the category of the service from II to III.
2. The respondent-1 i.e. the AAO/ERO/Vijayawada replied that the said service was released under LT-Category-III on 14-12-2012, but during the internal audit in 07/2013 it was pointed out by the auditing agency that the said service shall be billed under LT-category-II instead of LT-III in accordance with the tariff order for 2013-14 and a short fall of Rs. 38922/- was raised and included in the demand for 08/2013 and a notice was given to the consumer on 22-10-2013.
3. As could be seen from the audit slip No:13 it was mentioned that as per the tariff manual private water plants must be billed under category-II, but the above service is being billed under category-III therefore shortfall arises due to category change.
4. As could be seen from the tariff order there is no such comment.
5. The period for which the shortfall was raised from January 2013 to July 2013

6. Out of the total 7 months of period taken for shortfall the first three months from January to March 2013 the tariff for 2012-13 is applicable where as for the rest of the months i.e. from April 2013 to July 2013 the tariff for 2013-14 is applicable, but in the either of the tariff orders no where it was mentioned that the private water plants must be billed under category-II.
7. On the other hand since it is not a simple pumping of water and it involves processing by adding and removing certain contents of the raw water it shall be treated as an industry under category-III only.
8. The respondents shall take care of the interest of the consumers by appropriately adopting the tariff orders from time to time and the interpretation of the contents of the tariff order shall be looked into with correct prospective and the activity involved shall be given importance while adjudging the category of any service.
9. As such the contention of the respondents that the service shall be billed under category-II is quite contra to the tariff order and hence the said shortfall notice for Rs.38922/- shall be set aside besides re-categorising the service from LT-II to LT-III.
10. They shall also revise the bills of the service treating it under category-III for all the months during which it was billed under category-LT-II.

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

ORDER

The respondents are directed that

1. They shall withdraw the notice of demand for Rs.38922/- with immediate effect.

2. They shall change the category of the service from LT-II to LT-III with immediate effect.
3. They shall revise all the bills of the service for all the months during which it was billed under LT Category-II duly applying the tariff for LT-Category-III within 7 days of receipt of this order and the difference amount of such revision shall be adjusted to the future bills of the consumer.
4. They shall report compliance on the items 1, 2 and 3 above of the order within further 7 days from the date of this order.

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 13th day of March 2014.

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.