

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

On this the 24th day of January 2014

In C.G.No: 149/2013-14/ Kadapa 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. G.V.Pratap Reddy
C/o Sri Rice Mill
South Section Mydakur Road
Proddatur Village, Post & Mandal
Kadapa-Dist

Complainant

And

1. Assistant Accounts Officer/ERO/Proddatur
2. Assistant Engineer/Operation/South/Proddatur
3. Assistant Divisional Engineer/Operation/Town/Proddatur
4. Divisional Engineer/Operation/Proddatur
5. Superintending Engineer/Operation/Kadapa

Respondents

* * *

Sri. G.V.Pratap Reddy, C/o Sri Rice Mill, South Section Mydakur Road, Proddatur Village, Post & Mandal, Kadapa-Dist herein called the complainant, in his 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. He is an industrial consumer with ScNo:2223301014079 under category-III (A) for a load of 81HP with the title Sri Rice mill, Proddatur.
2. He is paying CC.Charges every month regularly as per the bills issued upon the readings obtained by the ADE on visiting the premises on 07-11-2013. He received a notice from the AAO/ERO/Proddatur.

3. In that notice an amount of Rs.87127/- was shown as demand for the period from 02/13 to 10/13 stating that the said amount was raised by internal audit staff and the time allowed for the payment was 15 days.
4. On contacting the AAO/Proddatur he came to know that the said amount was towards FSA which shall not be levied for more than three months at a time. He did business and the partnership and the accounts were settled already levying of amount after 10 months and after the settlement of accounts is felt unjust and leading them to troubles.
5. Requested for justice.

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

The respondent-2 Assistant Divisional Engineer/Operation/Town/Proddatur in his written submission dt:02-12-2013, received in the Forum office on 05-12-2013 stated that:

1. That, FSA arrears to be paid by the above consumer was pointed out by the internal audit wing during inspection conducted by them for the period from 26-10-2013 to 04-11-2013. These arrears to be collected was pointed by the IA for the billing period from 11/12 to 10/2013 i.e. 12 months only and not for 19 months as pointed out by the consumer.
2. The service is under HT billing upto the billing month of January 2013, As such FSA for the month of March 2009 and March 2010 were included in the HT bill for the month of January 2013. Since the billing was done under LT at Elecy. Revenue Officer, Proddatur from the month of February 2013 the Elecy revenue Office wing has not claimed FSA for the period from 02/2013 to 10/2013 due to non availability of readings and consumption for claculation of FSA amount for the months noted below.

<u>Billing Month</u>	<u>FSA to be calculated for the consumption month of</u>
February 2013	August 2010
March 2013	September 2010
April 2013	October 2010 & July 2012
May 2013	November 2010 & August 2012
June 2013	December 2010 & September 2012
July 2013	January 2011 & October 2012
August 2013	February 2011 & November 2012
September 2013	March 2011 & December 2012
October 2013	April 2011

3. FSA now pointed by the internal audit wing (and questioned by the consumer) are not included while LT billing at Elecy. Revenue Office due to non availability of consumption (HT billing) details in the soft ware of non-slab spot billing machine.
4. FSA has to be paid as per the orders issued by the APSPDCL.

The respondent-1 Assistant Accounts Officer/ERO/Proddatur in his written submission dt:23-11-2013, received in the Forum office on 04-12-2013 stated that:

1. The Internal auditors has assessed short fall amount of Rs.87, 127.00 (Rupees Eighty seven thousand one hundred and twenty seven only) towards FSA against SC No.2223301014079 of South Section of Proddatur during the course of audit conducted from 26/10/2013 to 04/11/2013.
2. The SC No.2223301014079 of South Section, Proddatur against which the master data is as follows:

Name : G.Veera Prathap
SC No.: 2223301014079
Section: South, Proddatur
Cat : LT III (A)
Phase : 3
Load : 81 HP + 210 Watts

3. The SC No.2223301014079 is transferred from HT section Central office, Kadapa to ERO/Proddatur vide Memo.No.SE/O/KDP/SAO/JAO/HT/D.NO.759/12,

Dt.21/12/2012 (copy enclosed) due to conversion of LT III (B) to LT III (A) having contracted load upto 100 HP can be effected and reclassified under LT III (A) and billed accordingly as per the Tariff order 2012-2013.

4. The SC No.2223301014079 is being billed under LT Cat.III (A) from 02/2013 at ERO/Proddatur. But the bills are issued from 02/2013 to 10/2013 without adding the FSA amount. In normal business, the FSA is calculated and included in the cc bills as per the programme in the Common Billing System (CBS). Since the FSA could not be calculated and added to the SC No.2223301014079 due to non-availability of previous consumption in the Computer software of the LT Billing due to transfer of the service from HT to LT.
5. During the course of the audit, the internal auditors has pointed out the missing FSA demand and assessed the short fall amount is as follows. :

Units consumed period	FSA ought to be billed	Units	FSA Rate	FSA Amount Rs
Aug-10	Feb-13	5645	14.22	802.72
Sep-10	Mar-13	3626	14.22	515.62
Oct-10	Apr-13	1965	29.41	577.91
Nov-10	May-13	2635	29.41	774.95
Dec-10	Jun-13	2355	29.41	692.61
Jan-11	Jul-13	5551	122.39	6793.87
Feb-11	Aug-13	5196	122.39	6359.38
Mar-11	Sep-13	7193	122.39	8803.51
Apr-11	Oct-13	4346	32.58	1415.93
Apr-12	Nov-12	11798	132.75	15661.85
May-12	Dec-12	6089	132.75	8083.15
Jun-12	Jan-13	9976	132.75	13243.14
Jul-12	Apr-13	8078	62.13	5018.86
Aug-12	May-13	8760	62.13	5442.59
Sep-12	Jun-13	5920	62.13	3678.10

Oct-12	Jul-13	5214	54.70	2852.06
Nov-12	Aug-13	3976	54.70	2174.87
Dec-12	Sep-13	4541	54.70	2483.93
Jan-13	Oct-13	3566	49.14	1752.33
Total FSA Amount Rs.				87127.40

6. As per the audit slip, the consumer of SC No.2223301014079 has been issued 15 days notice vide Lr.No.AAO/ERO/PDR/JAO.II/Jr.Asst.Audit./ D.No.1154/13, Dt.7/11/2013.
7. It is submitted the following further information in response to the consumer letter which is enclosed to the notice of CGRF.
- (a) When the consumer approached to this office, we explained everything regarding the short fall amount as per the records available in ERO.
- (b) As per the terms and conditions of the supply, the short fall amount can be assessed for missing units/amount of the previous months for collecting the short fall amount duly issuing notice to the consumer.
- (c) The FSA amount has not been included in CC bills since Feb/2013 i.e. 9 months only not 19 months as stated by the consumer.
- (d) The said short fall FSA amount is not included in the CC bills of the previous months when the service is at HT section.
- (e) The said short fall FSA amount could not be included in the CC bills from 02/2013 to 10/2013 due to non availabilities of the data in the computer software of the LT billing only and the same is not observed by the ERO staff as the case is exceptional i.e. transfer of Service from HT to LT.
8. Finally, it is submitted that the said short fall amount is not included in the previous cc bills only because of the above said reasons and the said FSA amount pointed out by the Internal Auditors is correct. Hence, the amount is payable by the consumer.

Findings of the Forum:

1. The complainant is running an industry under category-III (A) for which he is paying the CC.Charges regularly every month without fail as per the monthly readings taken by the ADE duly visiting his premises. On 07-11-2013 he received a notice from the AAO concerned for an amount of about Rs.88000/- towards FSA for 10 months i.e. from February 2013 to October 2013 and was demanded for payment within 15 days levying of huge amount after a period of 10 months by which time their partnership business accounts were already settled is felt unjust by the complainant and requested for justice.
2. The respondents 1 and 3 i.e. the AAO and ADE concerned in their reply have stated that the said amount was levied based upon the remarks pointed out by the internal audit wing and the said amount of arrears pertains to the billing period from 11/2012 to 10/2013 i.e. for 12 months only and not for 19 months as pointed out by the consumer. The service was billed under HT upto the billing month of January 2013 and hence the FSA for March 2009 and March 2010 were included in the HT bill for the month of January 2013. since the billing was done under LT at ERO from the month of February 2013 the ERO had not claimed FSA for the period from 02/2013 to 10/2013 due to non availability of readings and consumption for calculation of FSA amounts for the months from August 2010 to April 2011 and July 2012 to December 2012. Due to non availability of HT consumption details in the software of non slab spot billing machine, the amounts were not included.
3. The first respondent says that he had explained every thing to the consumer regarding the shortfall which is levied as per the terms and conditions of supply and the shortfall amounts can be assessed for missing units /amount of the pervious months at a later date duly issuing notice to the consumer.

4. The levy of FSA in respect of certain categories of the services was already approved and orders passed by the honourable APERC which are to be implemented truly by the licensees and as such in this case also the complainant being an industrial consumer also shall have to pay the FSA as scheduled and levied by the licensee as it is quite in order.
5. Only the point of consideration is that levying of the FSA all at a time for a period of about 9 months i.e. from 02/2013 to 10/2013 totaling to an amount of Rs.87,127.40.
6. The reason that information with regards to the conversion of the service from category-III (B) to Category-III (A) and also non availability of data about the consumption under HT and there is no provision in the programme of FSA billing in LT spot billing machines is not convincing. Had the bills were levied from time to time the complainant might have paid the amounts then itself and there shall not be much hardship to him in paying the amounts. Moreover the complainant expressed that the difficulty in payment is due to settlement of accounts among the partners of their business.
7. The delay in the said assessment of FSA and claiming after a period of 10 months resulted in postponement of revenue of the licensee and the interest upon.
8. The loss sustained by the licensee in the form of interest shall be met by the respondents from their side.
9. As such it is felt by the Forum that levy of the FSA all at a time for a period of 10 months is improper though it has to be paid by the consumer and hence the respondents shall have to allow easy installments free of interest to the consumer.

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

ORDER

The respondents are directed that

- a. they shall allow the complainant to pay the amount of Rs. 87,127.40ps in easy installments and no interest or surcharge shall be levied upon the said amount.
- b. they shall meet the amounts of surcharge or interest on the above said amount of FSA from their own.

The complainant is directed that he shall pay the amount of FSA Rs. 87,127.40ps in installments as per the schedule duly obtaining the same up on approaching the respondent -5 without fail.

In view of the above, the Forum passed the following 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 24th day of January 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.