

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

**On this, the 26<sup>th</sup> day of June 2014**

**In C.G.No: 177/ 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. M.Chaitanya,  
C/o Sai Bhaskar Irons Limited,  
DNo:4-4-135, 6/1,  
Chandramouli nagar,  
Guntur post, Guntur,  
Guntur-Dist-522006.

Complainant

***And***

1. Assistant Divisional Engineer/Operation/Martur  
2. Chief General Manager/Finance/SPDCL/Tirupati  
3. Divisional Engineer/M&P/Ongole  
4. Divisional Engineer/Operation/Addanki  
5. Senior Accounts Officer/Operation/Ongole  
6. Superintending Engineer/Operation/Ongole

Respondents

\* \* \*

Sri. M. Chaitanya, C/o Sai Bhaskar Irons Limited, resident of DNo:4-4-135, 6/1, Chandramouli nagar, Guntur post, Guntur Guntur-Dist-522006 herein called the complainant, in his complaint dt:31-12-2013 filed in the Forum on dt: 31-12-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 had stated that

1. They are HT consumers with ScNo:ONG321 in Prakasam-Dist with a contracted load of 7.5 MVA for their steel industries.

2. In the month of November 2013 the SE/Opn/Ongole had served a notice on 13-11-2013 levying penalties for violation of R&C without having proper grounds for the months of September and October 2012 which are not included in the bills of the corresponding months and they have already represented the matter through their letter on 16-12-2013 on the subject for finalization and revision of the said penalties along with MRI data, but as on the date of complaint there is no response from the department and they are facing much difficulties by the frequent demands to pay the said penalties.

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

**The respondent-4 i.e. the Divisional Engineer/Operation/Addanki in his written submissions dt: 01-02-2014, received in this Forum on dt:18-02-2014 stated that:**

1. The R&C penalties were imposed on the consumer as per APERC guidelines based on the MRI report. Even though R&C measures are informed to the consumer, he has not followed the R&C measures properly.
2. The R&C penalties of September 2012 and October 2012 which are not included in previous bills. Hence they were included in the last month bill.
3. Hence the consumer is necessary to pay the total R&C penalty, which is calculated as per guide lines based on the MRI report.

**The respondent-6 i.e. the Superintending Engineer/Operation/Ongole in his written submissions dt: 10-01-2014, received in this Forum on dt:17-01-2014 stated that:**

1. The consumer has already filed writ petition No.34125/2013 in the Honourable AP high court duly challenging the letter

No.SE/O/ONG/SAO/JAO/HT.U/ DNO.159/13: Dt:13-11-2013 and got directions for implementing of 50% of R&C penalties including the month of 09/2012 and 10/2012.

2. In this circumstances there is no jurisdiction for interference of CGRF, Tirupati since the matter is under purview of Hon'ble High Court of AP, Hyderabad.

### **Findings of the Forum**

1. The grievance of the complainant is that the licensee without serving any notice regarding imposing of R&C penalties for the months of September and October 2012 at a later date in November 2013 i.e. after one year and requested for its waiver.
2. The respondent-4 i.e. the DE/Opn/Addanki in his reply stated that the said penalties were levied on the consumer as per the guidelines of Honourable APERC based on the MRI report and the consumer violated the R&C restrictions even in spite of advance information and since the penalties were not levied along with the bills of September and October 2012 the amounts were included in 2013. The consumer is supposed to pay the total R&C penalty amount.
3. The SE/Opn/Ongole the respondent-6 in this case had replied that the consumer filed a suit in the honorable AP high court duly challenging the letter dt:13-11-2013 and got directions for implementation of 50% of R&C penalties including for the months of 09/2012 and 10/2012 under dispute. The CGRF had got no jurisdiction in the matter since it is under the purview of Honourable AP high Court.
4. The Honourable high court of AP in its judgement dt:28-11-2013 while ordering that the petitioner shall pay 50% of the penal charges for the

months of September and October 2012 with in three weeks from the date of the order and also ordered the respondents do not to disconnect the service and felt that the respondents shall take appropriate action.

5. The Honourable APERC in its order dated 08-08-2013 passed orders that 50% of the R&C penalties are to be waived on one time basis. Superseding all the previous orders dt:07-09-2012 and 17-04-2013 and also ordered that any amount of refund towards such waiver shall not be refunded and the same shall be adjusted against future bills.
6. As such since the period of R&C for which the respondents levied 100% of penalty was prior to August 2013 the respondents should have claimed only 50% of the R&C penalty instead of the 100%.
7. Moreover the respondents could not produce any evidence regarding the communication of R&C measures to the individual consumer.
8. The inappropriate action of the respondents lead to accumulation of arrears for a period of about one year and levied all at a time in the month of November 2013 to a tune of Rs.5,47,68,232/. The said amount was ordered in the light of the Honourable high court judgement dt:29-10-2013 in WP.No:30400 of 2013 and WPMP No.37747/2013.
9. Had the respondents acted upon properly on the orders of the Honourable APERC issued in 08/2013 the issue of consumer approaching the Honourable High Court could not have cropped up.
10. As such there is deficiency of services on the part of the respondents in raising the bills in appropriately and not taking actions to correct the mistakes even after the approach of the consumer.

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

**ORDER**

The respondents are directed that

1. They shall revise the bills as per APERC proceedings No.154 of 2013 dt:08-08-2013.
2. They shall allow 12 easy installments for payment of the second 50% penalties towards R & C.
3. They shall compensate the complainant @ Rs.50/- for each day counted from 01-02-2014 till the date of revision of bills.
4. They shall report compliance on the items 1, 2 and 3 above within 15 days from the date of this order.

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1<sup>st</sup> Floor, 33/11KV Sub-Station, Hyderabad Boat Club Lane, Lumbini Park, Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 26<sup>th</sup> day of June 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.