

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

On this the ----- day of July 2014

In C.G.No: 201/2013-14/ Kadapa Circle

Present

Sri K. Paul
Sri A. Venugopal
Sri T. Rajeswara Rao
Sri A. Satish Kumar

Chairperson
Member (Accounts)
Member (Legal)
Member (C.A)

Between

Sri. B.Subramanyam
Prop of OM Maruthi Rice Mill,
Opp Pattabhirama Mandadi Complex,
Mydakur Road, Mydakur- Post,
Proddatur Mandal,
Kadapa-Dist-516360

Complainant

And

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

Respondents

* * *

Sri. B.Subramanyam, Prop of OM Maruthi Rice Mill, Opp. Pattabhirama Mandadi Complex, Mydakur Road, Mydakur- Post, Proddatur Mandal, Kadapa- Dist-516360 herein called the complainant, in his complaint dt:20-02-2014 filed in the Forum on dt:20-02-2014 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 a consumer utilizing supply for his rice mill at Proddatur with ScNo:18258 South Section, Proddatur.
2. His service above was billed under category III (B) since 6 years and the category was changed from III (B) to III (A) during 01/2013 in response to his letter dt::22-12-2012.
3. The DISCOM in its circular dt:28-10-2011 stated that the maximum load for rice mills shall be considered under LT-III (A) upto 100 HP instead of 75HP until further orders.
4. But the same DISCOM in its circular dt:09-07-2012 stated that conversion of LT-III (B) to category –III (A) having a contracted load upto 100HP can be effected and recategorised under LT-III (A) and billed accordingly as per the tariff order 2012-13.
5. He, on 14-06-2013 in this matter had represented the local authorities to refund the excess amount billed under category-III (B) as per the guidelines and his service also in LT-III (A) from 28-10-2011, but in response the category was changed during 01/2013.
6. Requested to do justice duly revising the bills from 28-10-2011 billed under LT-III (B) instead of LT-III (A).

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

The respondent-5 i.e. the Senior Accounts Officer/Operation/Kadapa in his written submission dt:03-03-2014 received in the Forum on 10-03-2014 stated that:

1. ScNo:CDP 1045, M/s OM Maruthi Rice Mill Billed under category III (B) upto 12/2012 and on request of the consumer the service was transferred to ERO in Memo No:SE/O/CDP/SAO/JAO/HT/DNo.759/13,

dt:21-01-2013. In this connection it is submit that as per the instructions issued in Memo.No. CGM/O/DE/Comml/F.Circular/DNo.587/11, Dt:28-10-2011 and Memo No:CGM/Fin/GM-R/AO/AAO/HT/DNo.3/12, Dt:4-1-2012 action was taken to transfer the certain rice mills including III B ScNo:1045 M/s Maruthi Rice Mill from III B to III A tariff upto a RMS of 93KV in this office Memo.No:SE/O/KDP/SAO/JAO/HT/D.No:220/12/ Dt:03-04-2012.

2. In Endt No:SE/O/KDP/JAO/HT/DNo:239/12/dt:19-04-2012 the master updation form i.e. to bills stop the III B services in respect of Rice Mill upto 93KVA (100HP) sent to GM/R/APSPDCL/Tirupati. But in Memo.No:CGM/Fin/GM/R/SAO/AAO/JAO/HT/DNo:442/12,d:24-04-2012 it was informed that instructions were already issued very clearly stating that the instructions apply to those services which are already under LT-Category-III (A) only but not other services.
3. Hence all the test reports agreements transferred to ERO in-respect of Rice mills services upto 93 KVA obtained from the EROs and billed in central office only under III (B).
4. In Memo No:CGM/O/DE/Comml/D.No:546/12 dt:09-07-2012 informed by the CMD that conversion of LT category-III B to III A having contracted load up to 100HP can be effected and re-categorize under LT category-III B to III A having contracted load upto 100 HP can be effected and re-categorize under LT category III A and billed as per the tariff order 2012-13. Clarification was sought from CGM/Fin/APSPDCL/Tirupati in this office Lr.No:SE/O/KDP/ SAO/JAO/ HT/ DNo.519/12, dt:14512 in this regard.

5. In Memo No:CGM/Fin/GM/R/Senior Accounts Officer/AAO/JAO/HT/FLCL/D.No.1335/12 dt:16-11-2012 approval was accorded for transfer of billing LT category III B services which are having contracted load of less than or equal to 100HP from HT billing system to LT billing system “upon request of the consumer” only.
6. The DE/O/PDR/Comml in LrNo:F.35/D.No.1021/12/dt:20-11-2012 has submitted 13 Nos representations received from category-III B consumer i.e. Rice Mills pertaining to operation Sub-Divisions, Proddatur opting their services from III B to III A including the representation of the said above consumer.
7. In Memo No. SE/O/KDP/SAO/JAO/HT/D.No.759/13, Dt:21-2013 above 15 cases transferred to concern ERO’s along with test report /agreement who have requested for transfer their services to ERO including said above consumer case. Further consumer representation dt:22-12-2012 received through Memo No:CGM/Fin/GM/R/SAO/AAO/JAO/DNo:03/2013 dt:02-01-2013 to take necessary action as per rules in vogue.
8. The consumer represented first in his representation dt:07-11-2012 which was received in DE’s letter on 20-11-2012. Thus the CC.bill issued under III B in 12/12 will have to be revised under III A and the difference amount will be sent to ERO through TCA during this month.

The respondent-3 i.e. the Assistant Divisional Engineer/Operation/Proddatur in his written submission dt:11-03-2014 received in the Forum on 13-03-2014 stated that:

1. The readings of M/s OM Maruthi Rice Mill, HT SC.No:1045 KDP, present ISC.No:18258, South Proddatur was taken under category-III-B till billing month of January 2013.
2. The guidelines were issued vide Memo:Dt:28-10-2011 to bill the Rice Mills under category III A having contracted load of below 100HP.
3. Further, it is to submit that, the Senior Accounts Officer, Central Office, Kadapa has transferred the ISC.No:18258 from category-III A with effect from 20-12-2012.

Findings of the Forum

1. The complainant is running a rice mill with a contracted load of 99.5HP. The service was billed under III (B) since 6 years and was changed to III (A) during 01/2013 at his request, but the authorities without considering his request for effecting the billing in category-III (A) from 28-10-2011 itself had effected from 01/2013 and till such time the service was billed under LT-III (B) contra to the provisions given by the licensee as well as the tariff order. Requested to refund the amount by revising the bills with effect from 28-10-2011 treating the service under LT-III (A) and do justice.
2. The respondent-5 i.e. the SAO/Opn/Kadapa in his reply stated that there were 13 numbers consumers represented for opting their services from LT-III (B) to LT-III (A) which includes the present complainant's service also. In about 15 number cases of such with the instructions of the SE/Opn/Kadapa dt:21-01-2013 were transferred to ERO's along with test reports and agreements converting the services into LT-III (A) with effect from 20-12-2012.

3. Based on the consumers representation dt:07-11-2012 received in DE's office on 20-11-2012 and hence the CC.bill issued under category III (B) in the month of 12/12 will have to be revised under category-(A) and the difference amount will be sent to ERO through TCA during this month.
4. The consumer represented for change of category of his service with effect from 28-10-2011, but the respondents effected the change of category from 01/2013 onwards which is contra to the request of the consumer and there by the consumer approached the Forum for redressal of his grievance.
5. As could be seen from the account copy of the service the service was released for a load of 99.5HP under the title M/s OM Maruthi Rice Mill and was in '99' from 05/2012 till 01/2013 and from there onwards there was consumption.
6. The highest MD recorded was 81KVA in the month of 04/2014, but the calculated HP corresponding to the RMD was 70.9HP
7. As such he request of the complainant for effecting for refunding the excess amount billed under category-III (B) as per guide lines his service has to be billed under category-III (A) from 28-10-2011.
8. The SE/Opn/Kadapa explained that the CGM/Finance/SPDCL/Tirupati in his Memo dt:24-04-2012 informed that instructions were already issued very clearly stating that the instructions applied to those services which are already under category-III (A), but not other services.
9. The contention of the CGM/Finance/APSPDCL/Tirupati is acceptable since there are no traces of representation by the

consumer in the earlier days of 10/2011 regarding option to go to LT-III (A) upto 100HP billing instead of HT.

10. The change of the service from HT billing to LT billing system for the loads less than or equal to 100HP in case of rice mills is to be done upon request of the consumer only as clarified by the CGM/Finance/SPDCL/Tirupati in his memo dt:16-11-2012
11. But here in this case though the complainant mentioned that he had represented that the matter to the respondents earlier on 22-12-2012, 12-03-2013 and 14-06-2013, he did not produce any evidence to that effect, but however the respondent-3 i.e. the ADE/Opn/Town/ Proddatur in his reply stated that the consumer made his representation on 22-12-2012 and hence the change of billing is effected from 20-12-2012 two days advance.
12. But the SAO/Opn/Kadapa in his reply accepted that the consumer made representation at first on 07-11-2012 which was received in the DE's office on 20-11-2012 and hence the bill issued under category-III-(B) for the month of 12/2012 also to be revised considering the service under LT-III (A) and the difference amount will be adjusted under TCA at the ERO.
13. The Forum had conducted a personnel hearing with the respondents and the complainant in the main conference hall of Corporate Office of APSPDCL, Tirupati on 05-07-2014 at 11:00 hrs.
14. During the hearing above, it was accepted by the respondents that they have already communicated the instructions to all Superintending Engineers/Operation vide Memo No:CGM/Opn/DE/Comml/F.Circulars/D.No:424/12, Dt:21-05-2012 to take necessary

action for adjustment of penal charges levied if any for exceeding 75HP from 28-10-2011 to 31-03-2012.

15. As such the Forum felt that it is genuine to implement the above instructions uniform to all the consumers of such class utilizing power for rice mill with effect from 28-10-2011 onwards.

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

ORDER

The respondents are directed that they shall effect the bill revision with effect from 28-10-2011 in-respect of the complainant's service No.18258 within 15 days from the date of this order with due intimation to the consumer and report compliance to the Forum within further 7 days provided that the service contracted load doesn't exceed 100HP.

Accordingly the case is allowed in full and disposed off

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, 1st 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 ----- day of July 2014.

Member (Legal) :

Member (C.A) :

Member (Accounts) :

Chairperson :

To
The Complainant
The Respondents
Copy to the General Manager/ CSC/ Corporate office/ Tirupati for pursuance
in this matter.