

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

On this the 29th day of October 2013

In C.G.No: 25/ 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

Smt. C.V.Subhashini
C/o C.O.L.V.Rice Mill
Madakalavaripalli Village., Badvel Post
Gopavaram Mandal,
Kadapa-Dist-516227.

Complainant

And

1. Junior Accounts Officer/Sub-ERO/Badvel
2. Assistant Accounts Officer/Sub-ERO/Badvel
3. Assistant Engineer/Operation/Rurals/Badvel
4. Assistant Divisional Engineer/Operation/Badvel
5. Senior Accounts Officer/Operation/Kadapa

Respondents

Smt. C.V.Subhashini, C/o C.O.L.V.Rice Mill resident of Madakalavaripalli Village,Badvel Post, Gopavaram Mandal, Kadapa-Dist-516227 resident of DNo:9-1-505., Bhavanarayana Nagar, Badvel post, Gopavaram Kadapa-Dist-516227. herein called the complainant, in her complaint dt: 06-05-2013 filed in the Forum on dt:06-05-2013 under clause 5

(7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 have stated that

1. She is a industrial consumer with SCNo:1139 at Badvel town and the supply being utilized for their rice mill with title Sri Lakshmi Venkateswara Rice mill.
2. For the service above in the CC.bills for the month of November 2012 an amount of Rs.81,643.55 and for the month of December 2012 Rs.11,455/- was levied as penalty and the same was paid.
3. Requested to pay back the total above said amount of Rs.97098.55.
4. The said service was under III (B) category for the month of March 2013 and the demand charges normally Rs.150/- per KVA, but in the bill it was shown as Rs.350/- per KVA.
5. There is no prior intimation to her about the said changes in rates and were not given any notice to that effect and hence the billing shall be done with the previous rates.
6. Requested to revise the bills and adjust the balance amounts to her service.

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

The respondent-4 i.e. the Assistant Divisional Engineer/Operation/ Badvel in his written submission and dt: 30-07-2013, received in this office on the same day stated that:

1. It is submitted that, in respect of penal amounts levied to the SC No: 1139, Sri Lakshmi Venkateswara Rice Mill are as per the directive of APERC, R&C measures. As per the instructions of

LMC/Tirupati, we are implementing the load reliefs and power holidays.

Findings of the Forum:

1. The grievance of the complainant is that she was penalized for the months of November and December 2012 and also for the month of March 2013 the bill was issued @ Rs.350/- per KVA instead of Rs.150/- the normal rate at which the bills were issued without giving any notice to that effect and requested to revise the bills and adjust the amount to her service.
2. The respondent-4 i.e. the ADE/Opn/Badvel replied that the penal amounts are levied in respect of service number 1139 Badvel as per the directives of APERC, R&C measures and as per the instructions of LMC, Tirupati the load reliefs and power holidays are implemented.
3. As could be seen from the bills it is understood that for the month of November 2012 the consumer was penalized were exceeding the demands and energy both in peak and off-peak periods for violating the R&C measures and the total amount was Rs.81,643.55ps.
4. The other point of consideration is that whether the consumer was intimated by the respondents about the R&C measures and the penal charges that will be levied there upon in any sort of violation in the matter.

5. The complainant reported that she is not aware of the said penal charges and was not given notice of such billing. The respondents also did not have produced any sort of evidence in proof of their intimation to the consumer about the R&C and the quota to be followed and the consequences of failure to adhere the said measures. The respondents failed in this aspect.
6. Though the respondent mentioned that the penal amounts to the said industry of the complainant were levied as per the directive of APERC applicable to the period of R&C and as per the instructions of LMC, Tirupati it is their primary responsibility to intimate each consumer well in advance about the changes in billing from time to time especially during R&C measures which is not done so in this case and hence the complainant shall not be penalized for no fault of her.
7. At the same time it is mandatory to adopt the orders of honourable APERC without any deviations. Moreover the prime motive of imposing penalties during R&C is to abridge the gap between the supply and demand of power by restricting the loads, but not making revenue under the guise of R&C.
8. The respondents are neglected this aspect and allowed the consumers to utilize power by keeping them in dark in this direction.
9. In the matter of adopting in the KVA charges @ Rs.350/- per KVA demand, though the complainant says that she is not aware of the

changes in the rates of tariff, being a consumer under HT supply under LT category-III (B) with a load of 150KVA CMD, she is supposed to know the tariff changes from time to time and hence she cannot claim for revision of bill in the matter.

10. The service was billed with revised bills three times for the month of November 2012, but the reasons for such revisions were nowhere explained by the respondents.
11. The said amount of Rs.11,455/- is the difference of R&C penal amount for the month of November 2012, exhibited as arrears in December 2012 bill.
12. As the R&C penalties are as per the Orders of the APERC, she cannot claim refund of the same.
13. The Tariff rates are revised by the APERC with effect from 01-04-2013. There is no category III (B) in the said Tariff order. As the contracted load is above 100 HP, the service stands classified under HT, from 01-04-2013. Hence billing at Rs.350/- per KVA demand is as per Tariff order and needs no revision.
14. In many of the cases the said phenomenon of non intimating the consumers in time by the respondents about the changes in penalties during the periods of R&C is coming to light which is not a healthy situation damaging the image of the licensee by mere negligence of the licensee's officers creating image in the minds of the consumers that the licensee is motivated in levying of penalties to suffer the consumers.

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

ORDER

The consumer is advised to pay the bills issued without further dispute if not already paid.

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 29th day of October 2013.

Sd/-	Sd/-	Sd/-	Sd/-
Member (Legal)	Member (C.A)	Member (Accounts)	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.