

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

On this the 14th day of June 2013

In C.G.No:55/ 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

Sri. K.Satyanarayana,
C/o Vijaya Sudha Crusher,
Mulapadu Village & Post,
Ibrahimpattanam Mandal,
Krishna-Dist.

Complainant

And

1. Assistant Accounts Officer/ERO/Ibrahimpattanam
2. Assistant Engineer/Operation/Ibrahimpattanam
3. Assistant Divisional Engineer/Operation/Ibrahimpattanam
4. Divisional Engineer/Operation/Rural/Vijayawada
5. Senior Accounts Officer/Operation/Vijayawada

Respondents

* * *

Sri. K.Satyanarayana, C/o Vijaya Sudha Crusher resident of Mulapadu Village & Post, Ibrahimpattanam Mandal, Krishna-Dist herein called the complainant, in his complaint dt:09-05-2013 filed in the Forum on dt:09-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. He is the proprietor of industrial service number :6311211000227 in LT-III, the supply being utilized for stone crusher in Krishna-Dist.
2. He had received a letter from AAO/ERO/Ibrahimpattanam dt:25-02-2012 wherein it was intimated that the service above has been converted from LT-III to HT-I and the subsequent audit shortfall of Rs.3,77,321/- from

January 2010 to February 2012 i.e. 26 months has been shown as due because of the same.

3. Requested the same set aside the said notice as they are well below HT category and request them to withdraw the audit shortfall amount mentioned in that letter.
4. They also request them not to impose any surcharge or interest on the said amount as they have been paying the same unknowingly since the last 9 months along with their regular light bill.
5. They have made the request many times before various officers, but with no result. They would like to bring to the kind attention that the notice served on us is unjustified in view of the operating load, period of audit and also the latest GO which allows loads up to 100 KV in the LT category.
6. They made the payments as per the demands, but they are unaware about release of additional load. For additional load purpose they have not signed any agreement or test report department is also silent on the above issue. They have not at all requested to the release additional load.
7. But the department has released the additional load without his consent & billed service under HT category. Requested to examine the issue.

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

The respondent-1 Assistant Accounts Officer/ERO/Ibrahimpattanam in his written submission dt:16-04-2013, received in this office on 20-05-2013 stated that:

1. The service No. 227, M/s Swode Crusher, Mulapadu is billing under LT category-III with connected load of 74.67 HP upto 08/2009.

2. The additional load of 13 HP was added in 09/2009. From 09/2009 onwards the service is billing under LT category-III with connected load of 87.67 HP instead of HT category-I.
3. The service was inspected by DE/ DPE/ VJA on 17-11-2008 and found that the consumer dishonestly exceeded the contracted load of 74.67 HP by connecting a total load of 87 HP. The additional load of 12.33 HP is to be regularized.
4. Based on inspection report by DE/ DPE/ VJA, notice was issued by ADE/ O/ Ibrahimpatnam requesting the consumer to get the additional load of 13 HP regularized by duly paying the development charges of Rs.19,500/- security deposit of Rs.13,000/-, LTA fee of Rs.100/- and supervision charges of rs.150/- vide LrNo:ADE/C&O/IBM/F.docket.AL/DNo:906/08 dt:27-11-2008.
5. The consumer paid the development charges of rs.19,500/- security deposit of Rs.13,000/- LTA fee of Rs.100/- and supervision charges of Rs.150/- vide BCRC No.585 dt: 24-08-2009.
6. Based on payment the additional load of 13 HP was regularized in 09/2009 and the total connected load now is 87.67 HP.
7. In 02/2012, the internal auditors raised the shortfall of Rs.3,77,321/- under HT Category-I during 01/2010 to 01/2012.
8. The same was included in CC.bill of 03/2012.
9. The consumer given a representation dt: 21-08-2012 addressed to CE/Zone/Vijayawada copy submitted to SE/Operation/VJA and DE/O/R/VJA requesting to withdraw the audit shortfall of Rs.3,77,321/-.

10. The detailed report was submitted to DE/O/R/VJA and copy submitted to CE/ZONE/VJA, SE/O/VJA and ADE/O/IBM for favour of information and necessary action on 23/10/2012.
11. The detailed inspection report was submitted to DE/O/R/VJA by ADE/O/IBM for favour of information and necessary action on 28-11-2012.
12. The detailed report was submitted to SE/O/VJA by DEE/O/R/VJA for favour of information and necessary action on 17-12-12.

The details of RMD during the audit period are as follows:

BILL DATE	RMD	STATUS
10-01-2010	0	Live
10-02-2010	0	Live
10-03-2013	0	Live
10-04-2010	0	Live
10-05-2010	0	Live
10-06-2010	53.1	Live
09-07-2010	45	Live
07-08-2010	55.8	Live
06-09-2010	47.5	Live
06-10-2010	16.2	Live
10-11-2010	0	UDC
10-12-2010	0	UDC
10-01-2011	0	UDC
11-02-2011	0	UDC
09-03-2011	0	UDC
11-04-2011	0	UDC
11-05-2011	0	UDC
13-06-2011	0	UDC
14-07-2011	0.1	UDC
12-08-2011	16.2	UDC
13-09-2011	0	Live
14-10-2011	37.1	Live
07-11-2011	42.5	Live
08-12-2011	52.2	Live
07-01-2012	58	Live

The Respondent-5, Senior Accounts Officer/Operation/Vijayawada in his written submission dt:17-05-2013, received in this office on 20-05-2013 stated that:

1. The service No. 227, M/s Swode Crusher, Mulapadu is billing under LT category-III with connected load of 74.67 HP upto 08/2009. Further the additional load of 13HP was found during the inspection by DE/DPE/VJA on 17-11-2008 and totaling load of 87HP.
2. Based on the inspected report of DE/DPE/VJA notice was issued by ADE/O/IBM requesting the consumer to get the additional load of 13HP regularized by duly paying the development charges of Rs.19,500/- security deposit of Rs.13,000/-, LTA fee of Rs.100/- and supervision charges of rs.150/- vide LrNo:ADE/C&O/IBM/F.docket.AL/DNo:906/08 dt:27-11-2008.
3. The consumer paid the development charges of Rs.19,500/-, security deposit of Rs.13000/- LT application fee of Rs.100/- and supervision charges of Rs.150/- vide BCRC No.585 dt:24-08-2009. Based on payment the additional load of 13 HP was regularized in 09/2009 and the total connected load is arrived at 87.67 HP.
4. As per the internal audit report, the shortfall of Rs.377321/- under HT category-I from 01/2010 to 1/2012 and accordingly consumer was requested to pay the shortfall of Rs.377321/- vide LrNo:AAO/ERO/IBPM/JAO/BS/NS/DNO.136/12, DT:25-02-2012 and same amount was included in CC.bills of 03/2012. It is to submit that as per CTCS clause 12.3.32 where the total connected load is above 75HP such services shall be billed at the respective HT tariff rates from the

consumption month in which the un authorized additional load is deducted and clauses 3 & 4 for fulfilled by the AAO/ERO/Ibrahimpattam.

5. In the light of the above, the service under HT tariff during which the month the said additional load was deducted is correct as the consumer paid various amounts for regularization of said additional loads, as such billing of the service under HT and levy of shortfall of Rs.3,77,321/- is quite reasonable and hence, the request of the complainant for withdrawal of the said amount is not considered and directed the consumer to pay the audit shortfall amount which was included in CC.bills of 03/2012. But instead of payment of shortfall of amount, the consumer approached the Honourable Forum.

Findings of the Forum:

The grievance of the complainant is that

1. He is running a stone crusher under LT-III with SC.No: 6311211000227 and received a letter dated 25-02-2012, where in it was mentioned that their service was converted from LT-III to HT-I and an amount of Rs.3,77,321/- was levied as short fall from Jan 2010 to Feb-2012.
2. There is a GO released recently allowing upto 100 HP load in the LT category.
3. He made several requests to the officers on 21-08-2012, but no result
4. Requested to
 - i. set aside the said notice as they are well within the HT category.
 - ii. Withdraw the audit shortfall amount mentioned in that letter.
 - iii. Not to impose any surcharge or interest on the said amount as they have been paying the same unknowingly since the last 9 months along with our regular light bill.

5. As reported by the respondent-5 i.e. the SAO/Opn/VJA, the said service was inspected by DE/DPE/VJA on 17-11-2008 during which an additional load of 13HP was noticed over and above the contracted load of 74.67HP and a notice dt:27-11-2008 was served upon the consumer to get the additional load above regularized by paying the necessary charges of development and security duly filing a fresh application.
6. Accordingly the complainant paid the necessary amounts as per the demand on 24-08-2009 i.e. after about 9 months, based on which the said additional load of 13 HP was regularized in 09/2009 and the total connected load is 87.67 HP.
7. The inspecting officer i.e. DE/DPE/Vijayawada did not mention the details of the loads in the inspection notes and also many items of the notes are left unfilled which is not correct, but however since the consumer or his representative by name P.Satyanarayana had attested the inspection notes duly accepting that the total connected is 87 HP and hence the said additional load is to be regularized since there is no provision for removal of the additional load at that time.
8. The contention of the respondents that billing of the service under HT based on the inspection report is quite accepted in view of the clause 12.3.3.2 of GTCS applicable in the cases of services where the connected load is above 75HP since the connected load herein this case is 87.67HP.
9. The levy of shortfall for the period from January 2010 to February 2012 for an amount of Rs.3,77,321/- treating the service under HT is also acceptable in view of the above clause.
10. However as per the orders in letter number 8153 dt:11-01-2011 of the Principle Secretary Energy, Government of AP and Memo

No:CGM/O/DE/COMML/F.Circulars/DNo.587/11, dt:28-10-11 wherein it was permitted to utilize up-to 100 HP under LT-III instead of 75HP, but it is meant for rice mills only.

11. As such the contention of the complainant that his service shall be billed under LT-III (A) instead of HT-I for the said period is not accepted, since the tariff order inforce for the corresponding period does not support his argument.
12. The same implemented in the tariff order for the financial year 2012-13 only which commenced by April 2012.
13. As such the request of the complainant for
 - i. withdrawal of the notice for shortfall of Rs. 3,77,321/-,
 - ii. and revising the bills done in HT category-I instead of LT-III.

cannot be considered and he is bound to pay the amount as it is genuine.

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

ORDER

The complainant is advised that he shall pay the bill amounts as demanded by the respondents without further dispute.

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 the 14th day of June 2013.

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 submitted to the Honourable Ombudsman, APERC, 5th floor, Singarenibhavan, Redhills, Hyderabad-500004.

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