

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

On this the 3rd day of July 2013

In C.G.No:65/ 2013-14/ Ongole Circle

Present

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

Chairperson
Member (Accounts)
Member (Legal)
Member (Consumer Affairs)

Between

Sri. Mulcha Anjaneyulu
C/o Radhika Floor and Chillies
Panguluru Village & Post,
J.Panguluru Mandal
Prakasam-Dist-523214

Complainant

And

1. Assistant Engineer/Operation/J.Panguluru
2. Assistant Divisional Engineer/Operation/Addanki
3. Assistant Divisional Engineer/DPE-2/Ongole
4. Superintending Engineer/Assessments/Tirupati
5. Senior Accounts Officer/Operation/Ongole

Respondents

Sri. Mulcha Anjaneyulu, C/o Radhika Floor and Chillies, resident of Panguluru Village & Post, J.Panguluru Mandal, Prakasam-Dist-523214 herein called the complainant, in his complaint dt:21-05-2013 filed in the Forum on dt:21-05-2013 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 a consumer running a Chillies power mill with the title Radhika Flour and Chillies at Pangulugu village of J.Panguluru Mandal in Prakasam-Dist.

2. The service was first released with SCNo:265 in category-IV about 17 years back and he continued utilizing the power and paying the CC.Charges regularly.
3. While so on the said service was inspected on 06-03-2013 by the ADE/DPE/Ongole who made to change the said service from LT-IV category to LT category-III as a result of which the monthly bills are enhanced to Rs.1600/- from Rs.700/- in the earlier category also the service was changed from single phase to Three phase though his service is physically run in single phase.
4. The matter was earlier reported to the Forum in the Adalath held on 17-04-2013 at Addanki , ERO office wherein the Divisional Engineer, Addanki was ordered by the Forum to keep the service under category-IV, but the service was not converted to LT-IV.
5. His industry was recognized as Tiny industry by the District Industries Department.
6. Requested to examine the documents produced by him and render justice by keeping the service under category-IV.

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

The respondent-3 i.e. the Assistant Engineer/DPE-II/Ongole in his written submissions dt:30-05-2013, received in this office on 06-06-2013 stated that:

1. The SCNo:265 of J.Panguluru distribution Prakasam-Dist, with a contracted load of 3730 W. The service was inspected by Sri. M.Bhaskar Rao, ADE/DPE-II/Ongole on 06-03-2013.
2. The service released in category-IV which is cottage industry. But the consumer utilizing supply for flour mill and Chilli Powder mill which does not comes under category-IV. The service should be billed in category-III.

Hence unauthorized usage of electricity case registered. The consumer involved in authorized usage of electricity.

3. The SE/Assessments/Tirupati said in his proceedings that the service was released on 28-05-98 with contracted load as 5HP under category-IV. But as per the SSI certificate it is a Tiny Industry with 5HP load and contrary to cottage industry which explains that is only for Artizans and no where it is specified in the certificate issued by industries department. It is clearly mentioned for flour mill and chillies power which comes under category-III only. Hence the release of supply under category-IV is not correct and it should be under category-III only for which the consumer is not responsible.
4. Therefore the case is withdrawn.
5. And also gave instructions to ADE/Opn/Addanki to take action in serving notice on the consumer as per 3.4.1 of GTCS as the consumer is not involved in malpractice, but the category is to be revised under category-III instead of category-IV. Necessary action has to be taken as per 3.4.1 of GTC and change of category may be done as per the tariff order and terms and conditions of supply.

Findings of the Forum

1. The grievance of the complainant is that his flour and Chillies power mill was first released under category-IV on 28-05-1998 with a contracted load of 5HP based on the certificate issued by the District Industries Department which was recognized it as a tiny unit.
2. Subsequently on 06-03-2013 the said service was inspected by a DPE officer who inturn recommended for change of the service from LT-IV to LT-III in accordance with the tariff order in force.

3. The consumer contested the above and argues that the service shall be continued under LT-category-IV only in which it was first released by the department based on the certificate issued by the District Industries Department.
4. The respondent-3 i.e. the ADE/DPE-II/Ongole and the inspecting officer in this case replied that the activity of the industry is flour mill and Chillies power mill which does not fall in the said category of LT-IV and hence the service shall be billed in LT-III category and also he booked a case of malpractice for unauthorized use of electricity and levied an amount of Rs.20,947/- provisionally as the loss sustained by the company because of the said malpractice.
5. The Forum on going through the contents on the documents felt that since the service was released under LT-category-IV by the department in the year 1998 and allowed to continue in the same category for the past 17 years it shall not be construed that the consumer is at fault and committed malpractice in use of power.
6. The same was pointed out by the final assessing authority of the licensee the Superintending Engineer/Assessments/SPDCL/Tirupati.
7. But the other point of consideration is conversion of the service from LT-IV to LT-III by the department and converting back to LT-IV as requested by the consumer herein the complainant.
8. The tariff order says that the LT-IV (A) category is applicable to cottage industries and Dobbi ghats and also applicable for supply of energy to Dhobighats & bonafide (as certified by D.E(operations)) small Cottage Industries specifically power looms, Carpentry, blacksmithy, Kanchari, Gold smithy, Shilpi, Pottery, Mochy, Phenoyl production units,

Agarbathi production units, Wax Candle making units, Papads Manufacturing units, Leather (Chappals) making, Soap Industry, Plaster of Paris units, Laque toy making units, Pop Toys, Wood carving/toy making units, Pickles Manufacturing, Mango jelly units, Adda leaf plate industry having connected load not exceeding 5 H.P. including incidental lighting in the premises. As such it is very clear that the said service does not fall in the category of LT-IV. On the other hand the said category of Flour mills is covered under LT category-III (A)

9. Hence it requires to bill the service under LT-category-III right from the date of inspection i.e. 06-03-2013 and shall be continued in the same category.
10. It is also felt that the said notice towards malpractice for an amount of Rs.20,947/- shall be kept aside and any amount already paid by the consumer towards the said malpractice shall be adjusted to his future bills.
11. The complainant mentioned that his service is billed under three phase supply where as he is utilizing power under single phase. The complainant has to bear the cost of the conversion of the line from LT-single phase to three phase if he wants the conversion or otherwise can continue in the same status and the same arrangement, but the billing will be done only in three phase since the maximum load that is to be allowed in single phase is only **3KW/3HP** as such the contention of the complainant billing the service under three phase while he is utilizing supply with single phase is not accepted.

ORDER

The respondents are directed that they shall

1. bill the service under LT-Category-III (A) applicable with effect from 06-03-2013 the date of inspection
2. set aside the notice for Rs.2,0947/- provisionally issued by the inspecting officer treating the usage as malpractice and any surcharge levied there upon.
3. Adjust the amount if any paid by the consumer towards the said malpractice to his future bill.

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 3rd day of July 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.