

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

On this the 25th day of July 2013

In C.G.No: 70/ 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

Smt. G.Sree Rama Murthy
D.No: 2-14-518/A., 4th lane,
Syamala Nagar Village & Post,
Guntur-City,
Guntur-Dist-522006.

Complainant

And

1. Assistant Accounts Officer/ERO/Town-1/Guntur
2. Assistant Engineer/Operation/D-6/Guntur
3. Assistant Divisional Engineer/Operation/Town-3/Tenali
4. Senior Accounts Officer/Operation/Guntur

Respondents

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Smt. G. Sree Rama Murthy resident of DNo:2-14-518/A., 4th lane, Syamala Nagar Village & Post, Guntur-City, Guntur-Dist-522006. herein called the complainant, in his complaint dt:29-05-2013 filed in the Forum on dt:29-05-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E.Act 2003 had stated that

1. There are two number services in a premises at A.T.Agraharam of Guntur town wherein the service number 131103 stands in the name of G.Srirama murthy himself while the other SC.No:131005 stands in the name of M.Pushpavathi, his mother-in-law, now no more.

2. Since the asbestos sheeted shed wherein the said services are existing is in collapsing condition and requested the AE/ Operation/ Nagarampalem to disconnect the above two meters.
3. Pursuant to the request made above by the consumer, the said services were disconnected on 30-04-2013 and the balance consumption of 98 units and 102 units in respect of service number 131103 and 131005 respectively were intimated by the AE/ Operation/ Nagarampalem in his letter addressed to the AAO/ERO/Town/Guntur.
4. He handed over the letter to V.Venkateswarlu, JAO and requested him to issue clearance certificate for the above two meters which in turn was endorsed to one by name Dastagiri, the concerned clerk to prepare the CC Charges account sheet.
5. But the final bills were issued for Rs.4,405/- for SC.No: 131103 and Rs.4,458/- + Rs.79/- for SC.No: 131005 and he paid a total amount of Rs.8,942/-.
6. Though there are no orders either from the Electricity board or from the APSPDCL, the JAO has instructed the said clerk to collect amount @ Rs.1/- per unit from January 2013 to April 2013 and he was compelled to pay the said amount.
7. Apart from the above, minimum charges @ Rs.75/- per month for a period of 3 months totaling to Rs.450/- on the two services was levied and collected from him though the Line Inspector dismantled the services on 04-05-2013 soon on receipt of clearance certificate; which is irregular as the same is not being followed uniformly in all the cases and requested to repay the amount of Rs.450/- he paid in excess towards the said minimum charges.

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

The respondent-1 Assistant Accounts Officer/ERO/Town-1/Guntur in his written submission dt:06-06-2013, received in this office on 07-06-2013 stated that:

1. On 02-05-2013 dismantlement of SC Nos:131005 and 131103 with final reading 2014 and 1900 respectively.
2. After that the consumer of SC.Nos:131005 and 131103 approached this office on 02-05-2013 stating to dismantle of services permanently as he does not require in future. As per the request of the consumer and according to the recommendations of the AE/Opn/D-6/Guntur the amount outstanding against the above two services was informed to the consumer as detailed hereunder.

<u>Month</u>	<u>Sc.No.</u>	<u>Sc.No</u>
	<u>131005</u>	<u>131103</u>
Difference units billed for 05/2013	(105 units) 319.30	(98 units) 281.76
Minimum Charges for three months @ Rs.75/-	225.00	225.00
FSA	4092.49	3994.95
Total	<u>4636.79</u>	<u>4501.71</u>
Or say	4637.00	4502.00
Less available SD adjustment	<u>100.00</u>	<u>100.00</u>
	<u>4537.00</u>	<u>4402.00</u>
Total Rs. 4537 + 4402 = 8939/-		

The consumer have paid the following amounts on 02-05-2013 as follows.

	<u>Paid Amount</u>	<u>Date</u>	<u>PR No:</u>
1	Rs. 4458/-	02-05-2013	121373567
2	Rs. 79/-	02-05-2013	121373631
3	<u>Rs. 4405/-</u>	02-05-2013	121373568
Total:	<u>Rs.8942/-</u>		

3. As per the instructions of the APSPDCL the FSA has to be collected against the previous consumption from the respective consumers. According to the rates communicated by the company from time to time. As such the FSA to be collected was communicated up to December 2012. But the FSA relating to January 2013 to April 2013 has to be collected from regular consumers after receipt the instructions of the company.
4. The consumer is applying for clearance certificate for permanent dismantlement of services. The FSA from 1/13 to 4/13 was collected at an average cost of 1 rupee per unit in anticipation of the instructions from the company. Since the consumer is going out once for all. The consumer has paid the FSA charges and other charges without raising any dispute.
5. The previous FSA rates from 1/11 to 3/12 is furnished on dt:27-09-2012.

Jan/11	--	122.39	}	The FSA will be included in CC.bills in the month of 7/2013 to 9/2013
Feb/11	--	122.39		
Mar/11	--	122.39		
July/11	--	103.48	}	The FSA will be included in CC.bills in the month of 1/2014 to 3/2014
Aug/11	--	103.48		
Sep/11	--	103.48		
Oct/11	--	94.87	}	The FSA will be included in CC.bills in the month of 4/2014 to 6/2014
Nov/11	--	94.87		
Dec/11	--	94.87		
Jan/12	--	94.94	}	The FSA will be included in CC.bills in the month of 7/2014 to 9/2014
Feb/12	--	94.94		
Mar/12	--	94.94		

6. Hence the collection of the FSA from 1/13 to 4/13 is according to the departmental procedure.

Further it is to submit that the point wise remarks are herewith furnished:

Para 1. Review of CC.Charges account sheet:

A separate calculation sheet is herewith enclosed

Para 2. Calculate of minimum charges:

The calculation of minimum charges at Rs.75/- P.M was collected during the month of 6/13 to 8/13 as per the procedure in vogue since the meters are not removed as on dt:2-5-13. Hence minimum charges of Rs.450/- are collected. The question of refund of minimum charges of Rs.450/- as requested by the consumer representation under para-2 does not arise.

Para3.

The bills were already issued upto the end of 4/13 with final reading 1804 for service No:131103 and another ScNo:131005 is final reading 1909. But the Assistant Engineer/Operation/ D-6/Guntur has furnished final reading as 2014 for ScNo:131005 and another service No:131103 is final reading 1900. The difference of units from the final reading billed to the reading furnished by AE/Opn/D-6/Guntur was only collected.

Findings of the Forum:

1. The grievance of the complainant comprises of three items related to the charges that were collected from him in excess in respect of dismantlement of services.
2. The first one is that the respondents levied FSA for three months, ie, from 1/2013 to 4/2013 @ Rs.1/- per unit a rate assumed by them anticipating the orders of APERC. Requested for repayment of the same.
3. The second one is that the respondents levied minimum charges for three months from 6/2013 to 8/2013 after dismantlement for the services though they were dismantled in 5/2013 (04-05-2013) itself. Requested for the refund of the amount paid in this regard.

4. The third point is that the respondents have raised bill for 98 units and 102 units in respect of the services 131103 and 131005 respectively.
5. The respondent-1, ie the Assistant Accounts Officer/ERO/Town-1/Guntur in his point wise reply stated as follows.
 - a. As per the request of the consumer and according to the recommendations of the AE/Opn/D-6/Guntur after dismantlement of the meters with final readings 2014 and 1900 in respect of service numbers 131005 and 131103 the out standing amounts for closure of the accounts in respect of the both the services was Rs.4636.79 and 4501.71 which includes the minimum charges for three months, FSA and balance units till the date of dismantlement.
 - b. Duly accepting the bills raised the consumer paid the total amount on 02-05-2013.
 - c. Regarding levy of FSA related to January 2013 to April 2013 it has to be collected after receipt of suitable instructions from the head quarters, but in this case since the consumer requested for dismantlement of services the FSA for the above period was assumed at an average cost of Rs.1/- per units in anticipation of instructions from the head quarters and the consumer first made the payment without raising any dispute.
 - d. Regarding calculation of minimum charges @ Rs.75/- per month was collected during the month of 06/2013 to 08/2013 as per the procedure in vogue as the meters are not removed as on 02-05-2013.

- e. Hence minimum charges of Rs.450/- against both the services are collected and hence refund of the said amount does not arise.
- f. The bills in respect of the services were issued only upto 04/2013 with final readings 1804 and 1909 and the balance consumption left over in the meters as on the date of dismantlement were reported by the AE as 1900 and 2014 and hence the balance unbilled units of 96 and 105 are to be billed and the same was raised at the time of final settlement of the accounts and this amount also was paid by the consumer without any dispute.
6. Out of the contentions above of the respondent, the levy of FSA on average basis as the consumer is delinking permanently with the department and also the billing of balance left over units unbilled as on the date of dismantlement of the meters are quite in order.
7. The respondents have to repay any amount due to the consumer after settlement of FSA for the months of 01/2013 to 04/2013 or they can collect the balance amount if any fell due from the consumer due to variance in the FSA to that considered as Rs.1/- on average basis and have to take an undertaking from the consumer to that effect.
8. But however since the consumer duly accepting the bills for final settlement paid it is felt that it is only a result of after thought of the consumer to create a litigation.
9. With regards to the item of levy of minimum charges for 3 months from 06/2013 to 08/2013, the respondents mentioned that it was done as per the procedure in vogue, but in accordance with the general terms and conditions of supply clause 5.9.4.1 a one month notice is sufficient beyond the agreement period of two years. As such since the meter was already

removed on 04-05-2013, there is no necessity of levy of minimum charges from 06/2013 to 08/2013 and hence the amount of RS.225/- against each service levied shall be withdrawn and the respondents can collect the minimum charges only upto the date of actual dismantlement.

10. The respondent 2 i.e. the AE/Opn/D-6/Guntur reported that he dismantled the services at the oral request of the complainant, the said Rammurthy only but there is no request in writing.
11. Here in this case the said complainant Rammurthy is the consumer of SC.No:131103 only while the other one 131005 stands in the name of one M.Pushpavathi the relation between the complainant and the later is not known, but however for either of the services there is no request of the dismantlement in writing.
12. It is not understood how the respondents have dismantled the services without having any requisition from the registered consumer.
13. Dismantlement of / disconnection of services in absence of requisition from the registered consumers leads to unnecessary legal complications.

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

ORDER

The respondents are directed that they

1. shall withdraw the amount of Rs.225/- levied as minimum charges against both the services for the months of 06/2013 to 08/2013, but any how they can collect the charges for the month of 05/2013.
2. shall repay any amount due to the consumer after settlement of FSA for the months of 01/2013 to 04/2013 or they can collect the balance

amount if any fell due from the consumer due to variance in the FSA to that considered as Rs.1/- on average basis.

3. shall not dismantlement or disconnect any service without having proper requisition from the registered consumers of the services in future.

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 25th day of July 2013.

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