

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

On this the 12th day of August 2013

In C.G.No: 99/ 2013-14/ Ongole 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.Kotipalli Srinivasa Rao
C/o K.Haribabu
Rajubangarupalem village and post
Chinaganjam Mandal,
Prakasam-Dist-523240

Complainant

And

1. Assistant Accounts Officer/ERO/Chirala
2. Assistant Engineer/Operation/ Chinaganjam
3. Senior Accounts Officer/Operation/Ongole

Respondents

Sri. Kotipalli Srinivasa Rao, C/o K.Haribabu, Rajubangarupalem village and post, Chinaganjam Mandal, Prakasam-Dist-523240, herein called the complainant, in his complaint dt: 20-06-2013 filed in the Forum on dt:20-06-2013 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that

1. He, along with three others are utilizing supply from SCNo: 870 of Rajubangarupalem for prawn culture under lease for the past three years.
2. For the six months they have received bills on high side ranging from Rupees one lakh to 2.6 lakhs and even 4.7 lakhs also.

3. He enquired the AE and also the ADE concerned about the huge bills, but they could not get proper reply excepting that excepting that he had to pay the penalties.
4. He never received any notice from any office i.e. ERO, AE or ADE indicating that he had committed some mistake for which the said penalties are levied.
5. Had he was informed about the penalties he could have regulated the usage of power by adopting suitable alternative methods.
6. Every month when ever he asks about the additional charges he gets the reply that his industrial service and other services in his name including the domestic service will be disconnected if he fails to pay the CC.Charges.
7. Finally his service was disconnected while the season is about to start and he sustained losses including payment of lease charges.
8. Requested to order the concerned officers for reconnection of his SC.No. 870.

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

The respondent-1, i.e. the Assistant Accounts Officer/ERO/Chirala in his written submissions dt: 22-07-2013, received in this office on 24-07-2013 stated that:

1. Sri S.Prakasa Rao, registered consumer of Category III A Service No.870 of Rajubangarupalem Village, Chinnaganjam Section in Chirala Division with contracted load of 30 H.P.
2. The Honorable APERC has issued guidelines for protecting the Grid from such grid failures and to maintain discipline among various consumers. Accordingly the commission issued order cited in reference (1) imposing

certain Restriction and control measures from 12-09-2012. The following R&C measures for Category III A from 12-09-2013

3. Restriction on contracted demand and energy consumption from September 2012 to March -2013.

LT III A:

Permitted Demand limit for Off peak time =100% x Contracted load.

Permitted demand limit for Peak time = Only lighting load

Permitted Consumption limit = Contracted load x 70% x P.F x No. of Off peak hours in the month.

In view of the above The penal charges are approved by the Honble. APERC.

- a) Demand charges on excess over than Permitted demand limit shall be billed at the rate of 3 times of normal tariff up to October 2012. From November 2012 at the rate of 5 times of normal tariff.
 - b) Energy charges on excess over than Permitted consumption limit shall be billed at the rate of 3 times of normal tariff up to October 2012. From November 2012 at the rate of 6 times of normal tariff.
4. On 02-01-2013 the Chief General Manager Operation, Tirupati has issued certain guidelines on implementation of orders on R&C measures.
 5. As per the General Terms and Condition of supply clause No.12.3.2 if at any time the Maximum Demand of an L.T consumer exceeds the Contracted load without prior approval of the Company, the consumer shall be liable to compensate the company for all damages occasioned to its equipment or machinery if any, by reason of this default, and shall also be liable to pay the charges payable by him on account of such increase in demand or load and penalty, as prescribed by the commission from time to

time, without prejudice to this right the company may also cause the supply to consumer to be disconnected.

The above condition has been violated the consumer by exceeding the contracted demand from 11/2011 as follows.

Month	Contracted load	Recorded load
11/2011	30 HP	62.60
12/2011	30 HP	95.00
01/2012	30 HP	95.6
2/2012	30 HP	80.80
3/2012	30 HP	82.8
4/2012	30 HP	20.6
5/2012	30 HP	70.60
6/2012	30 HP	74.10
7/2012	30 HP	85.80
8/2012	30 HP	89.10
9/2012	30 HP	76.60
10/2012	30 HP	3.00
11/2012	30 HP	54.10
12/2012	30 HP	55.00
1/2013	30 HP	127.7
2/2013	30 HP	122.60
3/2013	30 HP	117.70

As per the above Recorded maximum demand R&C penalty was imposed from 10/2012.

Month	R&C penalty
Oct.12	2008-00
Nov.12	1,04,808-00
Dec.12	7,71,204-00
Jan.13	7,76,042-00
Feb.13	3,92,771-00
Mar.13	3,063-00

Total	20,49,896-00
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6. The consumer of SC.No.870 of Rajubangarupalem as penalized due to violating the R& C measures as per the calculation sheet herewith enclosed.
7. As per the above, the JAO/Sub-ERO/Vetapalem has issued a notice through the Asst. Engineer, Operation section, Chinnaganjam to the consumer regarding R&C penalties amount of Rs.20,49,896/- for the period from October 2012 to March 2013 in the references 4th and 5th cited. The consumer has approached to this office for to know the R&C measures. The Senior Asst. Sub-ERO, Vetapalem has explained to the consumer regarding R&C measures and also advised him to use the maximum load with in the R&C limits.
8. The consumers has not paid the C.C charges and the service was disconnected. Further the consumer has accepted the R&C penalties and approached to the Corporate Office, Tirupati on 17-06-13 for sanction of 12 installments for payment of R&C penalty amount. The Chairman and Managing Director, APSPDCL, Tirupati has sanctioned 8 installments vide reference 6th cited. The consumer also paid the first installment on 19-06-2013 after that the service was reconnected.

Findings of the Forum

1. The grievance of the complainant is that he received bills on high side for his prawn culture service for about 6 months and he could not get proper reply from the concerned officers about the additional charges levied and also he was never given notice of the said penalties from any of the officers of the licensee and finally his

service was disconnected for non payment of the bills. Requested to order the concerned officers for restoration of supply to his service above.

2. The respondents 1 and 2 replied that the contracted load of the service is 30HP under category-III (A) and the said penalties are levied for violation of the R&C limits by the consumer.
3. As could be seen from the data the consumer continuously exceeded the contracted load of 30HP by utilizing to a maximum of 127.7HP during the period from 11/2011 till 03/2013.
4. But the respondents levied penalties for the months from October 2012 to March 2013 only as per the recorded maximum demand an amount of Rs.20,49,896/-.
5. A notice has been issued by the JAO/Sub-ERO/Vetapalem in this regard through the AE/Opn/Chinnaganjam to the consumer indicating the reasons for levy of the said penalties.
6. Then the consumer approached the Senior Assistant of Sub-ERO-Vetapalem, who explained him about the R&C measures and to be within the limits.
7. The consumer approached the corporate office also on 17-06-2013 also for sanction of 12 installments for payment of the R&C penalty amount upon which the CMD/APSPDCL/ Tirupati sanction installments on 19-06-2013 and the consumer paid the first installment on the same day.
8. Though the respondents mentioned that the matter of R&C and the consequences there upon for violation of such measures has

been informed to the consumer they could not produce any evidence to that effect.

9. It is the responsibility of the officials of the licensee to intimate the consumers about the R&C measures and the limits to which the usage is to be confined well in advance under dated acknowledgement from time to time, but it is not done so in this case.
10. Also from the consumer side, though the consumer is well aware that his contracted load is only 30 HP, he has exceeded the demand to a maximum of 127.7 HP which is about four times of the rated and also continuously for a period of about 17 months which indicates that the consumer knowingly exceeded the demand which is a violation of even normal conditions. And more over, on 25-01-2013 a case was booked against the consumer for exceeding the contracted load of 30 HP by utilizing 108 HP and he was served a notice to that effect for regularization of the additional load of 78 HP noticed and the consumer was asked to pay the amount of Rs.1,56,150/- .As such , the consumer should have regulated the usage even with the receipt of notice for additional load in January 2013.
11. Moreover the consumer did not raise any objections in the early days of levying penalties, but all of a sudden with the notice from the respondents have raised the objections.
12. Also duly accepting the penalties he approached the CMD/APSPDCL requesting for installments obtained and paid the first one also.

13. As such it is felt by the Forum that the consumer is liable to pay the charges as levied by the respondents as the same is in order.

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

ORDER

The consumer is directed that he shall pay the C.C.Charges as usual along with the monthly installments as scheduled to get his service reconnected and to avoid disconnection of his service further.

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 12th day of August 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.