

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

On this the 30th day of July , 2015

In C.G.No:226/ 2014-15/Tirupati Circle

Present

Sri P.Venkateswara Prasad
Sri A.Sreenivasula Reddy
Sri T. Rajeswara Rao

Chairperson
Member (Accounts)
Member (Legal)

Between

Sri D.Sairam Prasad,
Prop : M/s Vinayaka Industries,
D.No: 6-74, Santha Bazar,
B.Kothakota Post & Mandal,
Chittoor District.

Complainant

And

1.Assistant Accounts Officer/Madanapalli
2.Assistant Engineer/B.Kothakota
3.Assistant Divisional Engineer/Mulakalacheruvu
4.Divisional Engineer/Operation/Madanapalli
5.Senior Accounts Officer/Operation/Tirupati
6.Superintending Engineer/Operation/Tirupati

Respondents

Sri D.Sairam Prasad Propertior of M/s Vinayaka Industries ,D.No:6-74.Santha Bazaar,B.Kothapeta Post &Mandal, Chittoor –Dist, herein called the complainant, in his complaint dt:05.03.2015 filed in the Forum on dt:05.03.2015 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that:

C.G.No:226/2014-15/Tirupati Circle

1. He has been running a stone crushing unit in plot no.2392&2393 under the name of M/s Vinayaka industries at B.Kotha kota from 22.08.2007. He has initially taken electricity service bearing No.3401007070/5213100007070 under L.T.III A with a contracted load of 74 H.P.the said service was released 22.08.2007,after due payment of all the necessary charges like S.D.Charges,development charges and line charges and at present the said service is changed from LT to HT-I with the service No.2070 TPT from 18.10.2014.
2. In the month of December 2008 he approached the Superintendent Engineer, Tirupati for additional load of 70H.P and for the same he got a sanctioned estimate copy from him for additional load of 70HP ., over and above the payments of Rs .1,12,000/- by way of D.D.in the name of D.E.Madanapalle and the same is handed over to the A.D.E ., office on 27.01.2009 and received receipts bearing No.010992 for Rs.1,07,500/- and No.010993 for Rs 4,500/- dated 27.01.2009 respectively .He has also paid Rs 35,000/- by way of D.D., in the name of S.A.O., Tirupati and received receipt bearing No.176378 dated 22.01.2009. The Transformer which was purchased by him by then of 160KVA was erected on 26.01.2009 in his premises.
3. While so ,he was served a single page notice no.255A dated 17.06.2009 by the ADE., Madanapalle stating that he had inspected his premises on 11.06.2009 and found a connected a load of 162.5 HP and in his letter he given some caluculations and mentioned that he has to pay an additional sum of Rs 1,94,710/- including 11 KV metering charges .In the notice there are calculation errors of the amount and he should have calculated as (121.225 KVA *Rs 2000/- + metering charges of Rs.72,510/- + other charges of Rs 160/- (-) Rs 148000/- + Rs 1,12,000/- +Rs 35,000/-=Rs 20,130/-). In this case he should have to pay

- Rs 20130/- including metering charges. The same calculation had been explained to the A.D.E ., through his letters, telephonic conversations and even personal visits , but in vain the A.D.E., had not responded and replied.
4. Meanwhile he was served with his CC bills under H.T-I from the month of July 2009 in which the AAO , Madanapalle stated that HT bills were under the rule of 12.3.3.2 of GTCS., even in which there are several mistakes such as total mistakes and so many.
 5. He reported the same matter to the D.E., Madanapalle through letters and even personal visits so many times with detailed paid particulars and calculation that he has made the mistakes in the ADE Notice No.255A dated 17.06.2009. Even he requested to revise his CC bills which were issued to him . To his surprise all those letters are in vain there was no response from D.E / Madanapalle either relating to the mistakes in C.C.bills or wrong calculations in the ADE notice.
 6. Then he has proceeded to Superintendent Engineer, Tirupati and complained both the above matters.But after a long time he got a revised estimation for the additional load in which he also calculated wrongly in Lr.No.150/12 dated 21-1-2012 for the amount of Rs 3,05,000/-.
 7. Again he made representations to Superintendent Engineer, Tirupati so many times through letters and even personal visits and then he got a revised estimation Lr.No.SE/O/TPT/AAE-Comml./F.No.27/F.Doc./D.no.915/13 dated 30-4-2013 for the payment of Rs 1,91,370/- for Additional Load and Rs 1,53,970/- for Metering Charges. This is also wrongly calculated by them.
 8. Again he made representations and even the this time he has personally visited and explained the fault in the estimation to the S.E,ADE Technical,DE Technical.Again he received a revised estimation Lr.no. SE/O/TPT/AAE-

Comml./F.No.27/F.Doc./D.no.1245/13 dated 31-5-2013 . Even this is also incorrect and an excess amount of Rs 60000/- was arrived at .He humbly submit that he was compelled to make payments accordingly , just to regularize his service and then communicate back. He made the payments of Rs 119340/- by way of DD on 17.7.2013 and got the receipt from the ADE office no.55112 dated 19.07.2013 and Rs 48000/- by way of DD No.253957 dated 17.07.2013 and handed over the DD on 18.07.2013 to the SAO office, Tirupati .The H.T.yard and metering arrangements were done after one year by the departments and the service was converted into H.T-I on 18.10.2014.

9. He humbly submit that the regularization of his service was delayed just because of wrong calculations done by ADE/Madanapalle , S.E.Tirupati several times and H.T.yard construction by the APSPDCL.

10. The following are the excess amounts paid by him:

1. The excess amount of Rs 60000/- paid according to the notice of Lr.no. SE/O/TPT/AAE-Comml./F.No.27/F.Doc./D.no.1245/13 dated 31-5-2013 .
2. The excess amount of Rs 80860/- for the metering charges that he was forced to pay as Rs 153370/- instead of Rs 72510/- (Lr.no. SE/O/TPT/AAE-Comml./F.No.27/F.Doc./D.No.3768/08 dated 31-12-2008) due to the wrong calculations and the delay made by the concerned officials .
3. Rs 44,851/- that has added to his CC bills in the month of 05/2011 dated 11.05.2011 and saying that amount was for audit short for and given no written notice.
4. Rs.30375/- that has collected through letter no.AAO/ERO/MPL/JAO(Gel)/S.A(NS)F.RNC/D.NO.73/2013 Dt.08.03.2013.
5. Amount that excess collected in the month 01/09,02/09,03/09,04/09,05/09,06/09, for demand charges as the total demand has calculated in ht-I and only the excess demand has to be calculated under HT-I
(Details Calculations by the him month wise enclosed).

11. After above considerations and the facts that the notice LR.No255A dated 17.06.2009 given by the ADE, Madanapalle is not given properly according to

- the Annexure-IX. Please kindly clarify him whether he is eligible for H.T billing under Section 12.3.3.2 of GTCS. He humbly requests the Hon'ble CGRF to revise his C.C. Bills from the 01.07.2009 to 18.10.2014 under L.T.IIIA. And the excess demand may be calculated under HT-I.
12. Because of all these above, he sustained huge loss in his business and struggling a lot with shortage of funds.
13. If the Hon'ble CGRF thinks he is eligible for H.T. Bills (please kindly clarify and give a reason) then please revise his total C.C. bills from the 01.07.2009 to 18.10.2014, as there are many mistakes which are as follows;-
- i. Demand charges were calculated in HP.
 - ii. Monthly minimum charges calculated in HP.
 - iii. RMD particulars were not taken properly.
 - iv. L&F was not taken @15%.
 - v. LPF surcharge calculated on entire C.C. bills.
 - vi. Transformer hire charges were made (the transformer erected in his premises is his own).
 - vii. 3% line loss was added even meter is on HT side of the Transformer.
 - viii. Total Mistakes.
 - ix. FSA and TOD calculations are also to be properly revised in the entire CC bills.
14. The CC bills of 03/2009 and 06/2010 were missing with him and requested the AAO, Madanapalle for a copy on 13.02.2015. But in vain he didn't get the above said bills from the AAO, Madanapalle. He here by seeking your pardons for him to submit the wrong calculations of the above two CC bills, after receiving them from the AAO, Madanapalle.
15. He herewith encloses the statement completely showing the wrong bills made by the officials from time to time and the correct billing ought to have been made by him. The matrix and the calculations have been taken into consideration by him as per the tariff orders prescribed by APSPDCL

,GTCS and APERC from time to time. The above said excess amount is illegally collected from him and the same is liable to be refunded with stipulated interest.

16. The Hon'ble Authority may kindly pass orders for refund of the excess amount that collected, to him and render justice to him for action he shall be ever grateful to you sir.

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

1. He humbly submit that the complaint by him to the Hon'ble Forum has been registered C.G.No.226/2014-15 dt 05.03.2015 and the department has submitted the written submission dt.23.06.2015 copy of which is marked to him.

He further submit that after going through the above written submission, he hereby submit his additional submission to the complaint in CG No. 226/2014-15 which may kindly be received.

At the outset, the department has not made clear with regarding the actual dispute (calculation errors) and has simply replied with regarding the details of the notices and the sequence. The real issue / query / problem / dispute which ultimately compelled him to approach this Hon'ble Authority is calculation errors. He humbly submit the supply of power or calculation of billing is to be made in accordance with the tariff to be fixed by the department from time to time and he have to abide by it. Here tariff or payment of amounts by him is not in dispute.

The real dispute is with regarding the calculation errors. He has been ventilating his grievance from AE level to SE level including accounts department with regarding the calculation errors. But, no where his grievance was taken into consideration, to his utter dismay no justice has been done to him all through all these years which ultimately compelled him to pay double the amount.

He humbly submit the reply and clarifications about the errors that are made in the reply of Divisional Engineer in his reply to the Hon'ble Chairman, CGRF in above said dated 23.3.2015

He submit that it has been clearly observed by him that the D.E., Madanapalle, ADE, Madanapalle are submitting the same matter about the demand notices those are served for him without checking the calculations in the demand notices and the reliability of the notices with total mistakes and calculation mistakes as submitted by him. Even they are least bothered to check or verify the calculations, even though they are replying to the Hon'ble Chairman, CGRF.

In his complaint dt.05.03.2015, with CG No. 226/2014-15, he clearly and repeatedly stated that he had received a number of demand notices from the above said ADE/MPL, DE/MPL and even from SE, Tirupathi which were mentioned and given a copy also, stating that there are calculation mistakes and errors in the demand notices. He never stated that he didn't receive the above said demand notices, but he is only pointing the calculation errors in the every demand notice that has been served to him.

Sir, in this case he would like to clarify the mistakes that were done by the concerned in clear.

1. Lr.No. ADE/R2/MPL/D.N0.255A/2009, dated 17.06.2009

Total Load detected = 162.5 HP

i.e. the connection will under with H.T.Cat. I

So the total calculations should have made in KVA basis and not in HP

$162.5 \text{ HP} \times 0.746 = 121.225 \text{ KVA}$ or may be rounded to 122 KVA

For this, the then ADE/MPL should have calculated as

For	Development charges	— 122 x 1500 =	Rs. 1,83,000.00
SD Charges		— 122 x 500 =	Rs. 61,000.00

Metering & Cubical arrangement	=	Rs. 72,510.00
Application Fee & Supervision Charges	=	Rs. 150.00

Total	=	Rs. 3,16,660.00

Further he submit that his deposits with the department are as follows:

1) Challan No. 042876 dt. 11.06.2007 for	Rs. 1,48,000.00
2) Challan No. 010992 dt. 27.01.2009 for	Rs. 1,07,500.00
3) Challan No. 176378 dt. 22.01.2009 for	Rs. 35,000.00
Total :	Rs. 2,90,500.00

i.e. the then ADE/MPL may have asked to pay a sum of **Rs.26,160/-** only (Rs.3,16,660.00 — Rs.2,90,500.00) including 11 KVA metering and cubical arrangements to convert his service from L.T.III A to HT Cat. I.

Instead of the above calculations, the then ADE/ MPL had stated and raised demand notice to pay a sum of Rs.1,94,660/- and the same calculations was explained to the then ADE/MPL and DE/MPL but he had not received any clarifications as he said in his complaint to the Hon'ble Chairman, CGRF.

Hence there are 2 blunt mistakes done in this demand notice.

- 1) The connected load should be calculated in KVA and not in HP
- 2) SD charges are Rs.500/- and not Rs.1500/- as calculated by the then ADE/ MPL according to the TARIFF ORDER 2009-10.

Further, he submit that the ADE/MPL, DE/MPL stated that the transformer which was purchased by him was installed to his service is unauthorized and no information is available with them regarding the dismantlement of the DTR. For this, he humbly submit that he have paid Rs.4,500/- in the form of D.D. and submitted the same to then ADE/MPL and got a challan No. 010993 dt.27.01.2009 for labour

charges of dismantling the DTR. Hence, he removed the department transformer and installed his own transformer which was purchased by him on the same date. Even he had submitted the particulars, purchased bills and other information regarding transformer to the then ADE/MPL.

2) Lr.No.SE/0/TPT/AAE/Comml/F.No: 27/ D.No.156/2012 dated 21.01.2012.

Total requested Contracted Maximum Demand is 120 KVA with connected load of 165 HP under HT Cat.I in his letter dt.16.01.2012 to the SE/TPT over and above the existing contracted load of 74 HP. But he was asked to pay the following:

1) Development Charges (by deducting the development charges paid during releasing of Cat III (A) service)	Rs. 93,000.00
2) Labour charges for dismantlement of DTR	Rs. 5,000.00
3) 11 KV Metering & Cubical arrangement charges	Rs. 1,13,355.00
4) S.D.Charges (by deducting the S.D.charges paid during releasing of Cat III (A) service)	Rs. 91,000.00
5) Revised estimate	Rs. 500.00
	----- Rs. 3,02,855.00 -----

In this case, he humbly submit that in his application on 16.01.2012 to the SE/TPT for additional load, he clearly stated and given Xerox copies of the challans which were mentioned as

1) Challan No. 042876 dt. 11.06.2007 for	Rs. 1,48,000.00
2) Challan No. 010992 dt. 27.01.2009 for	Rs. 1,07,500.00
3) Challan No. 176378 dt. 22.01.2009 for	Rs. 35,000.00

Total :	Rs. 2,90,500.00 -----

But to his utter surprise, he can't understand from where these calculations arrived by the SE/TPT even at his submission it was very clear with the already paid particulars.

Hence, there are 3 mistakes in this demand notice i.e.

- 1) Deducting the development charges at the time of releasing the supply was taken wrongly as Rs.87,000.00 + Rs.29,000.00 instead of Rs.1,11,000.00 + Rs.37,000.00 towards the development charges and SD charges respectively.
- 2) The SE/TPT clearly ignored the payments that were made in 01/2009 even though the particulars with Xerox copies of challans were submitted and stated in his application on 16.01.2012.
- 3) The SD charges are calculated for 2 shifts but he never requested for 2 shifts and it is not a mandatory to pay the SD charges for 2 shifts. It is his choice depending upon his requirement, whether he may has taken the supply for single shift or double shift or triple shift for that matter. It can't be assumed or presumed by the SE/TPT unilaterally.

3) Lr.No. SE/0/TPT/AAE/Comml/F.No. 27/D.No.915/2013 dt. 30.04.2013

For this case he humbly submit the mistakes and calculations are the same as mentioned in previous Lr.No.SE/0/TPT/AAE/Comml/F.No: 27/ D.No.156/2012 dated 21.01.2012.

Hence, there are 3 mistakes in this demand notice i.e.

- 1) Deducting the development charges at the time of releasing the supply was taken wrongly as Rs.87,000.00 + Rs.29,000.00 instead of Rs.1,11,000.00 + Rs.37,000.00 towards the development charges and SD charges respectively.
- 2) The SE/TPT clearly ignored the payments that were made in 01/2009 even though the particulars with Xerox copies of challans were submitted.
- 3) The SD charges are calculated for 2 shifts but he never requested for 2 shifts and it is not a mandatory to pay the SD charges for 2 shifts. It is his choice depending upon his requirement, whether he may has taken the supply for

single shift or double shift or triple shift for that matter. It can't be assumed or presumed by the SE/TPT unilaterally.

4) Lr.No. SE/0/TPT/AAE.Comml/F.No. 27/D.No. 1245/13 dated 31.05.2013

For this case, he humbly submit that there is only one mistake done in the demand notice i.e.,

- 1) The SD charges are calculated for 2 shifts but he never requested for 2 shifts and it is not a mandatory to pay the SD charges for 2 shifts. It is his choice depending upon his requirement, whether he may has taken the supply for single shift or double shift or triple shift for that matter. It can't be assumed or presumed by the SE/TPT unilaterally.

So, it is very clear that the notice is of excess amount **Rs.60,000/-**.

The Hon'ble Chairman, CGRF may notice the facts that the transformer owned by him was charged by the then ADE/MPL at the date 27.01.2009 by receiving the necessary labour charges in the form of D.D. and relevant documents regarding the transformer.

he humbly submit that the DE/MPL, ADE/MPL are neither bothered to check the calculation mistakes that are mentioned in all the demand notices nor bothered to submit their reply to the Hon'ble Chairman, CGRF without checking the complaint by him. The Hon'ble Chairman, CGRF may simply notice their negligence.

Further, he humbly submit that the following are the blunt mistakes that have been observed by him in the reply of DE/MPL, ADE/MPL, AAO/MPL;

- 1) The entire above concerned are very least bothered to calculate the mistakes in the demand notices and mistakes in the CC bills. They simply made a reply to the Hon'ble CGRF.

2) In the reply of DE/MPL and ADE/MPL in their reply page No.2 line No. 8 and 15, they stated as PR No. 176378 dt.22.01.2009 as Rs.3,500/-, whereas the said PR No. was for Rs.35,000/-.

3) In the reply of DE/MPL, ADE/MPL in Page No. 2, Line Nos. 6 and 11, they stated as PR No. 10992 / 27.01.2009 as Rs.1,05,000/- where as the said PR was for Rs. 1,07,500/-.

4) The ADE/MPL in his reply letter stated that the HT Yard was completed in 09/2013, but the fact is that the erection of HT Yard was done in 09/2014. For this he can even produce the CC TV footage of the HT Yard Construction, if the Hon'ble Chairman, CGRF permits.

5) The AAO/MPL stated that he had verified the records available in ERO/MPL and found no audit short fall amount was included in the CC bills during the month of 05/2011.

For this he humbly submit if Rs.44,851/- which was added to his CC bills in the month of 05/2011 is not an Audit short fall, then for which purpose the above said amount was added to his CC bills is not known and even he had not clarify whether any audit short fall amount was added to his CC bills or not in the total span of my service.

6) Further he submit that the DE, MPL in his reply (Page No.3 Para No.3) to the Hon'ble Chairman, CGRF had stated that "*The Asst. Divisional Engineer / Opn, Mulakalacheruvu has also submitted that as per decision taken in the ERO co-ordination meeting during 06/2009, the billing is being done under HT billing, even though the additional load not regularized from 07/2009 onwards, as the recorded MD is above the contracted load. The HT billing was done at ERO, Madanapalle duly following the departmental Rules in vogue from time to time*".

He humbly submit that as per " GTCS and APSPDCL, APERC Tariff Orders 2009-10, 2010-11, 2011-12, 2012-13, 2013-14", it is very clear, if the RMD exceeds the CMD, the CC bills of Cat.III (A) should be done under Cat.III(A) itself and only the excess RMD over the CMD should have to be calculated in the according HT category. And the remaining all other charges and CMD should be billed under L.T III (A).

7) The AAO/ERO/MPL is also least bothered and worried to check the bills that were served and collected as, to him from 02/2009 as pointed by me in my complaint to the Hon'ble Chairman, CGRF. The facts are as follows:

- a) The AAO submitted that the demand charges and energy charges were calculated in the billing in KVA basis but whereas from the month 07/2009 to 10/2010 the CC bills were calculated in HP basis (copy of the CC bills and my calculations were submitted already).
- b) RMD particulars are completely different from the ADE/MPL and AAO/ERO/MPL in the CC bills. (copy of the RMD particulars by ADE/MPL and my calculations were submitted already)
- c) The AAO/MPL submitted that L&F calculated @ 15% in each bill as per Tariff Orders. Again which was not correct L&F was not taken @ 15% (copy of the CC bills and calculations were submitted already)
- d) The AAO/MPL has submitted that as referred by the complainant it is verified that under KWH billing, the LPF surcharge were calculated for not maintaining the stipulated power factor as per the Tariff Order.

For this he submit that his point is the LPF surcharge should have calculated only on the energy charges, not on the entire CC bills according to the Tariff Orders (copy of the CC bills and my calculations were submitted already)

- e) The AAO/MPL has submitted that no paper evidence is available at ERO/MPL as the consumer owner a DTR in his premises.

For this he humbly submit that it is not at all his fault, as a consumer he cannot or expected to do anything else. The ERO/MPL or other any officials can't plead ignorance or communication gap if any. he must not be charged or compelled to pay any amount for no sin committed by him.

- f) The AAO/MPL has submitted that he has no information about the change of metering from LT side to HT side by the then ADE/MPL. Hence the 3% line loss was added to regular CC bills.

For this he submit that no change of meter from LT side to HT side was occurred. The meter was at HT side from the date of releasing of the supply i.e. 22.08.2007 at a contracted load of 74 HP. Hence, the lack of information is his internal issue.

- g) The AAO/MPL stated that there were no total mistakes in the bills.

For this he submit that there are so many total mistakes in the CC bills. The mistakes in CC bills and his calculations were submitted already.

- h) The AAO/MPL stated that the FSA & TOD are calculated and no need to re-check.

For this he submit that the AAO/MPL is least bothered to check the correctness of the above said either it may be asked by a consumer or by the Hon'ble Chairman, CGRF.

He hereby humbly submitting that all the ADE/MPL, DE/MPL, AAO/MPL had not discussed about the calculation errors that are made in demand notices and CC bills that were raised prior by him in way of representations, letters, telephonic

conservations and even personal visits. All of them are not interested in calculating the above said mistakes as he is very clearly figured and explained to the Hon'ble Chairman, CGRF in his complaint dated 05.03.2015.

He hereby pleading the Hon'ble Chairman, CGRF to consider the above facts, the regularization of his service was delayed just because of the wrong calculations done by ADE/MPL, DE/MPL, SE/TPT several times and HT Yard construction delay made by the department.

He beg the Hon'ble Authority to consider the above and the grain of the replies were made by the ADE/MPL, DE/MPL, AAO/MPL to the Hon'ble Chairman, CGRF are like this, then, what may be the replies and treatment that he was really faced.

The following are the excess amounts Paid by him.

1. The excess amount of Rs.60,000/- paid according to the notice Lr.No. SE/0/TPT/AAE-Comml./F.No. 27/F.Doc/D.No 1245/13 dated 31.05.2013.
2. The excess amount of Rs. 80,860/- for the metering charges that he was forced to pay as Rs.1,53,370/- instead of Rs. 72,510/- (Lr.No. SE/0/Tirupati/AAE-Comml./F.No. 27/F.Doc./D.No. 3768/08 dated 31.12.08) due to the wrong calculations and the delay made by the concerned officials.
3. Rs.44,851/- that has added to his C.C.Bills in the month of 05/2011 dated 11.05.2011 and saying that amount was for audit short fall and given no written notice.
4. Rs. 30,375/- that has collected through letter No. AAO/ERO/MPL/JAO (Gel)/S.A. (NS) / F.RNC/D.No. 73/2013 Dt.08.03.2013.

5. Amount that excess collected in the month 02/09, 03/09, 04/09, 05/09, 06/09, for demand charges as the total demand has calculated in HT-I and only the excess demand has to be calculated under HT-I.
6. Revise the CC Bills from the month of 07/2009 to 10/2014 under LT-III(A) Category and the excess demand may be calculated in according HT Category.

The above said excess amounts are illegally, forcefully collected from him are liable to be refunded with stipulated interest.

He may be given an opportunity to submit all his contentions with regarding the calculation errors as per the tariff fixed A.P.E.R.C. in the personal hearing before the Hon'ble Authority with factual data and the correspondence that took place between him and the department and he hereby humbly request the Hon'ble Authority may kindly pass the orders for refund of the excess amount and render justice to him for which act of kindness, he shall ever grateful to you Sir.

The respondent- 2 & 3 ., The Assistant Engineer/Operation/B.Kothakota and The Assistant Divisional Engineer /Operation / APSPDCL/ Mulakalacheruvu in their combined written submission dt:19..03.2015, received in this office on dt:24.03.2015 stated that:

1. In response to the above notice cited, the following written submission is here with filed for favour of further action please.

Supply to the stone crusher owned by Sri. D.Sairam Prasad was released on 22.08.2007 under the name of M/s. Vinayaka Industries at Plot No.2392 & 2393 in B.Kothakota with a contracted load for 74HP under the category III(A). The service number of the service was 5211100007070. Now the service was converted into HT category I after paying the necessary charges w.e.f. 18.10.2015. Now the service number is TPT 2070 under HT category I.

As per the available records, it is found that, the consumer has approached the SE's office, Tirupati and registered an application for releasing of 70HP additional load to the existing

service bearing No.03401007070/ 5241100007070 to the existing load 74HP totaling of load of 144HP (CMD of 120KVA) under LT Cat III (B). Necessary estimate was sanctioned by Superintending Engineer, Operation, Tirupati vide SE/O/TPT/LT Cat.III(B)/ NP No. 78/08-09 dt.27.12.2008. Demand notice was issued to the consumer vide Lr.No.SE/ O/ TPT/ AAE/ Coml/ F.No.27/ D.No.3768/08, dt.31.12.2008 for payment of the following charges.

1. Development Charges:-	: Rs.1,05,000.00
2. Labour charges for dismantlement of DTR:	:Rs.4500.00
3. 11KV metering & Cubical arrangement charges:-	:Rs.72510.00
4. SD Charges:-	:Rs.3500.00

Based on the above notice, the consumer has paid the following amounts

1.Development Charges:- Rs.1.05,000.00 vide PR No.10993/27.01.2009 of ADE/ R2/Madanapalle

2.Labour charges for dismantlement of DTR:-Rs.4500.00 vide PR No.10993/27.01.2009 of ADE/ R2/Madanapalle

3. SD Charges:-Rs.3500.00 vide PR No.176378/22.14.2009 of SAO/ CO/ Tirupati

2. In the above demand notice given by Superintending Engineer, Operation, Tirupati, the consumer has paid Development charges, Labour charges for dismantling of DTR and SD charges only, he has not paid the 11KV Metering & Cubicle arrangement charges of Rs.72510/-. Because that the erection of 2nos. 11KV DPS and regularization of additional load could not taken place. The consumer has approached to CMD for execution of 11KV metering & cubicle arrangements under turnkey basis and our CMD has given approval for execution of work under turnkey basis for the following works (1) Erection of 2nos DP structures with all materials (2) Dismantlement of 1No 100KVA distribution transformer with 2Nos LT AB switches vide CGM/O&P&MM/ DE/ Coml/ F.No.88/D.No.127/09,dt.29.01.2009 duly paying the supervision charges. But the consumer has never paid the 10% supervision charges as mentioned in the turnkey approval or taken up initiation for erection of DP's. Mean while the then Assistant Divisional Engineer, Rurals 2, Madanapalli has inspected the factory on 11.06.2009 and noticed that the consumer is utilizing 162.5HP load an excess of 88.5HP over 74HP the contracted load and given a notice vide Lr No.ADE/R2/MPL/D.No.255A/2009

dt.17.06.2009 for payment of the following charges for regularization of excess additional load.

1. **Development Charges** : **Rs.26750.00**
2. **SD Charges** : **Rs.95250.00**
3. **Metering Charges** : **Rs.72510.00**
4. **Application Fee** : **Rs.50.00**
5. **Supervision Charges** : **Rs.150.00**

3. But the consumer has not come forward for payment of the above charges for regularization of connected additional load. Several notices were issued to the consumer for regularization of the additional load but the consumer never come forward for payment for regularization of additional load. But as per the decision taken in the ERO coordination meeting during 06/2009 the billing is being done under HT billing, even though the additional load not regularized from 07/2009 onwards, as the recorded MD is above the contracted load. The HT billing was done at ERO, Madanapalli duly following the departmental rules in vague from time to time i.e., levying LPF charges, imposing of 3% transformer hire charges etc., The consumer has purchased 160KVA transformer during 2009, but it is erected to the service by the consumer without proper authorization from department. The exact date of the erection of the transformer at the service is not known. As the consumer is not come forward either for payment the HT metering charges or execution of HT metering arrangement under turnkey basis, the additional load paid by the consumer during 01/2009 was not regularized and hence the service remain under Cat III(A) and hence during preparing of HT billing, the ERO people have added 3% transformer hire charges in the bill as per the departmental rules in vogue. The same was continued. During 05/2011 & 07/2011 the then Assistant Divisional Engineer, Rurals 2, Madanapalli and Divisional Engineer, Operation, Madanapalli have given notices to the consumer to regularize the unauthorized excess load from 74HP to 163HP and conversion of the service from Cat III (A) to HT. In response to the above notices the consumer, has went to Superintending Engineer's office and given an application on 16-01-2012 for regularization of excess additional load under HT category I. Then Superintending Engineer, Operation, Tirupathi has sanctioned the revised estimate for

‘extension of HT supply to M/s Vinayaka Industries, B. Kothakota (V&M), Chittoor (Dt) for a CMD of 120KV with a Connected load of 165HP under HT category I by converting the existing LT cat III (A) service bearing SC No.03401007070 with a connected load of 74HP into HT Cat I at 11KV potential vide Sanction No. SE/O/TPT/HT/NP No.118/11-12 dt.21.01.2012 and given a demand notice vide Lr.No.SE/O/TPT/AAE/Comml/F.No.27/D.No.156/12 dt.21.01.2012 for paying the following amounts.

1. **Development Charges: Rs.93000/- (by deducting the development charges paid during releasing of Cat III(A) service)**
2. **Labour charges for dismantlement of DTR : Rs.5000/-**
3. **11KV metering & cubical arrangement charges : Rs.1,13,355/-**
4. **SD Charges :Rs.91000/-by deducting the S.D. charges paid during releasing of Cat III(A) service)**
5. **Revised estimated : Rs.500/-**

And also intimated to the consumer to submit the following documents before releasing of supply.

1. CEIG approval for total connected load
2. HT agreement & Test report
3. Any other documents on request of ADE/ Rurals 2/ Madanapalli
4. But the consumer not responded the above notice also. But the billing is being done under HT billing continuously. On 08-01-2013, the consumer has given a representation to the then Assistant Divisional Engineer, Rurals 2, Madanapalli for clarification of the balance amounts to be paid for regularization of excess connected load in the demand notice given by Superintending Engineer, Operation, Tirupathi vide D.No.156/12 dt.21.01.2013 mentioning the amounts already paid by him in different dates. Based on the above representation, the then Assistant Divisional Engineer, Rurals 2, Madanapalli has send a request for revision of the estimate as per the latest cost data for the estimate already sanctioned vide Sanction No.SE/O/TPT/HT/NP No.118/11-12 dt.21.01.2012 for Extension of HT supply to M/s Vinayaka Industries, B. Kothakota (V&M), Chittoor (Dt) for a CMD of 120KVA with a connected load of 165HP under HT category I by

converting the existing LT Cat III (A) service bearing SC No.03401007070 with a connected load of 74hP into HT Cat I at 11KV potential. Based on the above request of Assistant Divisional Engineer, Rurals 2, Madanapalli the estimate already sanctioned was revised and sanctioned vide SE/O/TPT/HT/NP No.12/13-14 dt.30.04.2013 and issued a demand notice for payment of the following charges vide SE/O/TPT/AAE-Comml/F.No.27/F.Doc/D.No.915/13,dt.30.04.2013.

1. **Development Charges** : **Rs.93000/-**
2. **Labour charges for Dismantlement of DTR:** **Rs.2870/-**
3. **11KV Metering & Cubical arrangement charges:Rs.1,53,970/-**
4. **Revised estimate fee** : **Rs.1000/-**
5. **SD Charges** : **Rs.91000/-**

5. The consumer has produced the receipts for the amounts already paid during 01/2009 for regularization of 70HP load for ISC No.7070 of B. Kothakota and requested for revision of the above demand. The then Assistant Divisional Engineer, Rurals 2, Madanapalli has requested for revision of demand notice already issued by SE/O/TPT/ vide in Lr.No.SE/O/TPT/AE-Comml/F.No.23/D.No.915/2013,dated 30.04.2013 for regularization of excess additional load for ISC.No.7070 of B.Kothakota in Lr.No. ADE/R2/MPL/D.No.515/2013,dt.20.05.2013 duly deducting the charges already paid by the consumer during 01/2009. Based on the above request SE/O/TPT has given revised demand notice by deducting the amounts already paid by the consumer during 01/2009 and as follows.

1. **Amount to be collected from the consumer (HT metering + Labour charges for dismantlement of DTR + Development charges + Revised charges) – Already paid charges (1,53,970 + 7,370 + 69000 + 1000) – 1,12,000/- = 1,19,340/-**
2. **Amount to be collected from the consumer (SD Charges – Already paid charges) = 48000/- = 83000 – 35000 = 48000/-**

Based on the above notice, the consumer has paid the following charges as

1. **Rs.1,19,340/- (Development charges + HT metering charges) paid vide PR No.55112, dt.19.07.2013**
2. **Rs.48000/- (SD Charges) paid vide D.D.No.2253957/ 17.07.2013 and handed over at SAO/ TPT**

6. After payment of the above charges, execution of work was taken up and completed during 09/2013 and after getting the CEIG approval vide Lr.No.E1/KNL/Tech/HT/D.No.1859/14, dt.07.10.2014 the releasing of HT service to M/s Vinayaka Industries at B. Kothakota (V&M) was completed and the service was charged on 18.10.2011 under HT category I. After completion of the work the consumer has delayed in producing the CEIG approval from Electrical Inspector, Kurnool. Soon after getting the EIG approval, the service was charged under HT category I by converting the existing LT Cat III (A) service into HT Cat I for ISC N.5241110007070 after paying the necessary amounts for regularizing of additional load. Now the service is under HT category and the service number is TPT-2070.
7. From the above it is clearly shows that the consumer has not taken any initiation for regularization of the additional load, even after he pays the necessary development charges and SD Charges during 01/2009 and he delayed to erection of 2Nos DPS at his premises, as the work was awarded under turnkey basis by the CMD, APSPDCL during 01/2009. Due negligence attitude of the consumer the delay in converting the service into Cat III (B) and again into HT cat I was taken place and if there is any mistakes done in issuing the bills in HT billing are to be rectified by AAO/ ERO/ Madanapalli please.
This is for favour of necessary action please.

The respondent-4 The Divisional Engineer /Operation / APSPDCL/ Madanapalli in his written submission dt:23.03.2015, received in this office on dt:25.03.2015 stated that:

The following written submission is here with submitted for favour of information and kind consideration please.

The Asst. Divisional Engineer/ Opn/ Mulakalacheruvu has stated that supply to the stone crusher owned by Sri D. Sairam Prasad which was released on 22.08.2007 under the name of M/s. Vinayaka Industries at plot No. 2392 & 2393 in B. Kothakota with a contracted load for 74.0 HP under the category III (A). The service number of the service was registered as 5241100007070. Now the service was converted into HT category-I after paying necessary

charges w.e.f. 18.10.2014. Now the service number is registered as TPT-2070 under HT category-I.

The Asst. Divisional Engineer/ Opn/ Mulakalacheruvu has also submitted that as per the available records, it is found that, the consumer has approached the Superintending Engineers' office, Tirupati and registered an application for releasing of 70.0 HP additional load to the existing service vide bearing No. 03401007070/ 5241100007070 to the existing load of 74.0HP totaling to load of 144.0HP (CMD of 120KVA) under LT Cat III (B).

Accordingly, the Superintending Engineer/ Operation/ Tirupati has sanctioned the estimate vide SE/O/TPT/LT Cat.III(B)/NP No.78/08-09, dated 27.12.2008. The demand notice was issued to the consumer vide Lr. No.SE/O/TPT/AAE/Comml/F.No.27/.No.3768/2008, dated 31.12.2008 for payment of following charges.

1. Development Charges	: Rs.1,05,000.00
2. Labour charges for dismantlement of DTR	: Rs.4500.00
3. 11KV metering & Cubical arrangement charges	: Rs.72510.00
4. SD Charges	: Rs.3500.00

Based on the above notice, the consumer has paid the following amounts. The details are as follows:

- 1) Development Charges: Rs.1,05,000.00 vide P.R.No.10992/27.01.2009 of ADE/R2/ Madanapalli.**
- 2) Labour charges for dismantlement of DTR: Rs.4500-00 vide PR.No.10993/27.01.2009 of ADE/R2/Madanapalli.**
- 3) SD Charges:Rs.3500-00 vide P.R.No.176378/22.14.2009 of SAO/CO/Tirupati.**

In the above demand notice given by Superintending Engineer/ Operation/ Tirupati, the consumer has paid development charges, labour charges for dismantling of Dist. Transformer and S.D./ charges only and he has not paid 11KV Metering & Cubicle arrangement charges of Rs.72510/-. Hence about erection of 2nos 11KV DPS and regularization of additional load could not taken place. The consumer has approached to the Hon'ble Chairman & Managing Director, PDCL, Tirupati for execution of 11KV Metering & Cubical arrangements under turnkey basis. Accordingly the Hon'ble Chairman & Managing Director/ SPDCL/ Tirupati has given approval for execution of work under turnkey basis for the following works please. The details are as follows please.

- 1) Erection of 2nos DP structures with all materials.

- 2) Dismantlement of 1No. 100KVA distribution transformer with 2nos. LT AB switches vide CGM/O&P&MM/DE/Coml/F.No.88/D.No.127/2009, dated 29.01.2009 duly paying the supervision charges.

But the consumer has not yet paid 10% Supervision charges as mentioned in the turnkey approval or taken up initiation for erection of DP's. Meanwhile the then Asst. Divisional Engineer/ Rurals-II/Madanapalli has inspected the factory on 11.06.2009 and noticed that the consumer is utilizing 162.5 HP load an excess of 88.5 HP over 74.0HP the contracted load and given a notice vide LR No. ADE/R2/MPL/D.No.255A/2009, dated 17.06.2009 for payment of the following charges for regularization of excess additional load.

1. Development Charges	:	Rs.26750.00
2. SD Charges	:	Rs.95250.00
3. Metering Charges	:	Rs.72510.00
4. Application Fee	:	Rs.50.00
5. Supervision Charges	:	Rs.150.00

But the consumer has not come forward for payment of the above charges for regularization of connected additional load. Several notices were issued to the consumer for regularization of additional load but he has never come forward for payment of amounts and regularization of additional load.

The Asst. Divisional Engineer/ Opn/Mulakalacheruvu has also submitted that as per decision taken in the ERO co-ordination meeting during 06/2009, the billing is being done under HT billing, even though the additional load not regularized from 07/2009 onwards, as the recorded MD is above the contracted load. The HT billing was done at ERO, Madanapalli duly following the departmental Rules in vogue from time to time i.e., levying LPF charges, imposing of 3% transformer hire charges etc. The consumer has purchased 160KVA transformer during 2009, but it is erected to the service by the consumer without proper authorization from department. The exact date of the erection of the transformer at the service was not known. As the consumer is not came forward either for paying the HT metering charges or execution of HT metering arrangement under turnkey basis, the additional load paid by the consumer during 01/2009 was not regularized, hence the service remain under Cat III(A) and during preparation of HT billing, the ERO people have added 3% transformer hire charges in the bill as per the departmental Rules in vogue. The same was continued during 05/2011 & 07/2011 the then Assistant Divisional Engineer/ Rurals-II/Madanapalli and the Divisional Engineer/ Operation/ Madanapalli have

given notices to the consumer for regularization of unauthorized excess load from 74.0HP to 163.0HOP and conversion of the service from Cat-III (A) to HT. In response to the above notices, the consumer has went to Superintending Engineer's office and given an application on 16-01-2012 for regularization of excess additional load under HT Category-I. Accordingly the Superintending Engineer/ Operation/ Tirupati has sanctioned the revised estimate for "extension of HT supply to M/s. Vinayaka Industries, B. Kothakota Village & Mandal, Chittoor District for a CMD of 120KVA with connected load of 165.0HP under HT category-I by converting the existing LT Cat III (A) service vide bearing Sc. No. 03401007070 with a connected load of 74.0HP into HT Cat I at 11KV potential vide sanction No.SE/O/TPT/HT/NP No.118/11-12, dated 21.01.2012 and given a demand notice vide Lr. No. SE/O/TPT/AAE/Comml/F.No.27/D.No.156/2012, dated 21.01.2012 for payment of following amounts. The details are as follows please.

- | | | |
|--|----------|----------------------|
| 1) Development Charges | : | Rs.93000/- |
| (by deducting the development charges paid during Releasing fo Cat III (A) service) | | |
| 2) Labour charges for dismantlement of DTR | : | Rs.5000/- |
| 3) 11KV Metering & Cubical arrangement charges | : | Rs.1,13,355/- |
| 4) S.D. Charges | : | Rs. 91000/- |
| (by deducting the S.D. charges paid during releasing Of Cat III (A) service) | | |
| 5) Revised estimate | : | Rs.500/- |

And also intimated to the consumer to submit the following documents before releasing of supply.

1. CEIG approval for total connected load.
2. HT agreement & Test report.
3. Any other documents on request of ADE/Rurals-II/Madanapalli.

But the consumer not yet responded the above notice. The billing is being done under HT category continuously. On 08-01-2013, the consumer has given a representation to the then Asst. Divisional Engineer/ Rurals-II/Madanapalli for clarification of balance amounts to be paid for regularization of excess connected load in the demand notice given by Superintending Engineer/ Operation/ Tirupati vide D.No.156/2012, dated 21.01.2013 mentioning the amounts already paid by him in different dates. Based on the above representation, the then Asst. Divisional Engineer/ Rurals-II/ Madanapalli has requested for revision of estimate as per the latest cost data which the estimate was already sanctioned vide Sanction No. SE/O/TPT/HT/NP No.118/11-12, dated

21.01.2012 for “Extension of HT supply to M/s. Vinayaka Industries, B. Kothakota Village & Mandal, Chittoor District for a CMD of 120KVA with a connected load of 165.0HP under HT Category-I by converting the existing LT Cat III (A) service vide bearing Sc. No. 03401007070 with a connected load of 74.0HP into HT Cat I at 11KV potential. Based on the above request of the Asst. Divisional Engineer/ Rurals-II/ Madanapalli, the estimate was revised and sanctioned vide SE/O/TPT/HT/NP No.12/13-14, dated 30.04.2013 and issued a demand notice for payment of the following charges vide SE/O/TPT/AAE-Comml/F.No.27/F.Doc/D.No.915/2013, dated 30.04.2013. The details are as follows please.

1) Development Charges	:	Rs.93000/-
2) Labour charges for Dismantlement of DTR	:	Rs.2870/-
3) 11KV Metering & Cubical arrangement charges	:	Rs.1,53,970/-
4) Revised estimate fee	:	Rs.1000/-
5) SD Charges	:	Rs.91000/-

The consumer has produced the receipts for the amounts already paid during 01/2009 for regularization of 70.0HP load for ISC No. 7070 of B. Kothakota and requested for revision of above demand. The then Asst. Divisional Engineer/ Rurals-II/Madanapalli has requested for revision of demand notice which already issued by the Superintending Engineer/ Opn/ Tirupati vide in Lr.No.SE/O/TPT/AE-Comml/F.No.23/D.No.915/2013, dated 30.04.2013 for regularization of excess additional load for ISC No.7070 of B. Kothakota in Lr. No. ADE/R2/MPL/D.No.515/2013, dated 20.05.2013 duly deducting the charges which already paid by the consumer during 01/2009. Based on the above request, the Superintending Engineer/ Opn/ Tirupati has given revised demand notice by deducting the amounts which already paid by the consumer during 01/2009. The details are as follows please.

- 1) Amount to be collected from the consumer (HT metering + Labour charges for dismantlement of DTR + Development charges + Revised charges) = Already paid charges)Rs. 1,53,97 + Rs. 7,370 + Rs. 69000 + Rs.1000) – Rs. 1,12,000/- = **Rs.1,19,340/-**
- 2) Amount to be collected from the consumer (SD Charges – Already paid charges) = **Rs. 48000/- (Rs. 83000 – Rs.35000) = Rs. 48000/-**

Based on the above notice, the consumer has paid the following amounts. The details are as follows please.

1. **Rs. 1,19,340/- (Development charges + HT metering charges) paid vide P.R.No.55112, dated 19.07.2013.**

2. Rs.48000/- (SD Charges) paid vide D.D.No.2253957, dated 17.07.2013 and handed over to the Senior Accounts Officer/ Central Office/ Tirupati.

After payment of above charges, execution work was taken up and completed during 09/2013. After getting C.I.E.G. approval vide Lr. No. EI/KNL/Tech/HT/D.No.1859/2014, dated 07.10.2014, releasing of HT service to M/s. Vinayaka Industries at B. Kothakota (V&M) was completed and the service was charged on 18.10.2014 under HT category-I. After completion of the work, the consumer has delayed in producing the C.E.I.G. approval from the Electrical Inspector/ Kurnool. Soon after getting CEIG approval, the service was charged under HT category-I by converting existing LT Cat III (A) service into HT Cat-I for ISC No. 524110007-70 after paying necessary amounts for regularizing of additional load. Now the service is under HT category and the service number is TPT-2070.

In view of the above circumstances explained, it is clearly shows that the consumer has not taken any initiation for regularizing of additional load, even after paying necessary development charges and SD charges during 01/2009. The consumer has delayed for erection of 2nos. DP's at his premises, as the work was awarded under turnkey basis by the Hon'ble Chairman & Managing Director/ SPDCL/ Tirupati during 01/2009.

Finally the Asst. Divisional Engineer/ Opn/ Mulakalacheruvu has stated that due to negligence attitude of the consumer, delay was occurred in converting f service into Cat III (B) and again into HT cat-I. If there are any mistakes done in issuing of HT bills are to be rectified by the Asst. Accounts Officer/ ERO/ Madanapalli please.

In the letter dated 23.03.15 above, the Asst. Accounts Officer/ERO/Madanapalle has submitted the following statement regarding billing of above service. The details are as follows please.

Point No. 3: As pointed by the consumer, an amount of Rs. 44,851/- (Rupees forty four thousand eight hundred and fifty one only) was added in CC ahrges bills during the month of 05/2011 as shortfall amount.

The Asst.Accounts Officer/ERO/Madanapalle has verified records available in ERO/Madanapalle and found that shortfall amount was not included in CC charges bill during the month of 05/2011 please.

Point No. 4: As pointed by the consumer, an amount of Rs. 30,375/- (Rupees thirty thousand three hundred and seventy five only) was collected towards R&C measures and the same was

confirmed by the Asst.Accounts Officer/ERO/Madanapalle that the due of R&C amount to be paid informed to the consumer through Lr. No. AAO/ERO/MPL/JAO/Gen/S.A.NS/F.R^+&C/D.No. 73/2013, dated 08.03.2013.

Sub Para I : The complainant appealed that Demand Charges were calculated in HP basis which is not correct.

The Asst. Accounts Officer/ ERO/ Madanapalle has submitted that since the M.D. recorded in Energy Meter is in KVA and hence billing was done in KVA basis as per Tariff Order please.

Sub Para II : It is referred that the monthly minimum charges were calculated in HP basis for the entire period which is not correct.

The Asst. Accounts Officer/ ERO/ Madanapalle has submitted that the Monthly minimum charges were calculated in HP basis from 10/2007 to 06/2009, since the service is in under Cat III (A) and then it was billed under HT Cat I i.e., in KVA basis as per the Tariff order 2009-10 from time to time.

Sub Para III: RMD particulars were not taken properly which is not correct.

The Asst.Accounts Officer/ERO/Madanapalle has submitted that since the billing was done as per the RMD and the consumption particulars given by the then Asst. Divisional Engineer/ Rurals-II/Madanapalle.

Sub Para IV: L&F not taken @ 15% which is not correct.

The Asst.Accounts Officer/ERO/Madanapalle has submitted that as referred by the consumer, the L&F calculated @ 15% in each bill as per the Tariff Order from time to time please.

Sub Para V: LPF surcharge calculated on entire CC bills which not correct.

The Asst.Accounts Officer/ERO/Madanapalle has submitted that as referred by the complainant it is verified that under KWH billing, the LPF surcharge were calculated for not maintaining the stipulated power factor as per the Tariff Order please.

Sub Para VI: Transformer hire charges were made as referred by the consumer.

The Asst. Accounts Officer/ERO/Madanapalle has submitted that no paper evidence is available at ERO/Madanapalle as the consumer has owned a Dist. Transformer in his premises. Hence the Asst. Accounts Officer/ ERO/Madanapalle has incorporated transformer hire charges in CC charges bill as per the Tariff Order please.

Sub Para VII: 3% Line Losses were added even the Meter is on the HT side.

The Asst. Accounts Officer/ERO/Madanapalle has submitted that as referred by the complainant there is no information about change of metering from LT to HT by the then Asst. Divisional Engineer/ Rurals-II/ Madanapalle. Hence the 3% Line Losses were added to regular CC charges bills.

Sub Para VIII: Total Mistakes.

The Asst. Accounts Officer/ ERO/ Madanapalle has submitted that as stated by the consumer as total mistakes occurred in CC charges bills is not correct. Since the bills were issuing and preparing under the guidance of the Accounts Officer (Revenue) /Central Office/ Tirupati by pre checking each and every month.

Sub Para IX: F.S.A. and TOD calculations were also to be properly revised in entire CC bills.

The Asst. Accounts Officer/ ERO/ Madanapalle has submitted that the FSA and TOD calculations were made as per the APERC Regulations only and there is no deviations in calculation of FSA & TOD please.

Finally, the Asst. Accounts Officer/ ERO/ Madanapalle has concluded and enclosed the CC Charges bills issued earlier to the above said consumer under HT Category-I which were already checked by the Accounts Officer (Revenue)/ Central Office/ Tirupati each and every month are here with enclosed for ready reference please.

Further at the request of the complainant , a Personal Hearing has been conducted on 05.05.2015 in the chambers of the Chairperson.During the personal hearing the complainant has further submitted the following additional information along with the relevant orders of the Hon'ble Ombudsman and hon'ble High Court of AP .

The Additional submission is as follows:

He humbly submit that ,after gone through the reply of the DE/Madanapalle through the LR.NO:DEE/O/MPL/AE/TECH/D.NO.990/2015 Dated 23.03.2015 which was marked to him also , atleast he found that the Xerox copy of the inspection report of the ADE/Rurals II dated 11.06.2009.

1. After gone through the inspection report(So.Called) he found the following mistakes.
 - a. The inspection itself was not done in proper way.

- b. As per GTCS, Inspection officers should record the observations as per the format prescribed in Apendix 'IVA'.

Where as the Inspection report was not upto the mark prescribed.

- c. A copy of the Inspection report has to be given to the consumer /representative at the end of the inspection.

But no such copy was given.

- d. Even he don't know the person who had signed in the inspection report.

- e. It is very clear that the Inspection Officer should conduct the inspection by physical verification of the manufacture's rating of each electrical apperatus for the purpose of the determining the excess load, if any , according to the GTCS, Hon'ble Ombusman Orders in (1) Appeal No.106 of 2013,(2) Appeal No .124 of 2013 and even the Hon'ble High Court of A.P through W.P .13877 of 2008.

But the than ADE/Madanapalle had not attempt to do Inspection in such manner.

- f. There is no witness signature in the inspection report except his own subordinate.

- g. Lot of columns was left alone(Not filled).

He humbly submit that please consider the above facts that the 'Inspection' and 'inspection report' by the then ADE/Madanapalle are both wrong and can be set aside.

Further , the demand notice raised by the then ADE/Madanapalle No.255A/2009 dated 17.06.2009 based on such unsuitable /unsustainable/unjustifiable/unhealthy/unproper Inspection report can be set aside.

He humbly submit that , in this case the total cc bills from 02/2009 to 18.10.2014 are to be revised under LTIIIA category and only the excess RMD in KVA CMD in KVA has to be billed under HT cat I as per the tariff schedule.

2. He humbly submit that the DTR line charges may be deducted as the DTR is his premises is his own and it has been erected by the then ADE/Madanapalle on 27.01.2009 after collecting the necessary labour charges through the challan numbered 010993 dated 27.01.2009.Even he submitting the STM Reports and ADE letter.
3. He humbly submit that the 3% line loss, that were included in his CC bills are to be deducted as the meter was on the HT side of the Transformer from the date of release of the supply i.e 22.08.2007.

He here by pleading to do favour to him by giving orders to the ERO/Madanapalle to revise his CC bills accordingly .The excess amounts that are collected from him are to be refunded with stipulated interest (as per the sec.4.7.3 of Electricity supply code) along with the other excess collected amounts mentioned in his submissions dated 3.3.2015 and 6.4.2015.

He hereby humbly request the Hon'ble authority may kindly pass orders for refund the excess amounts and render justice to him , for which act of kindness , he shall ever grateful to you sir.

Findings of the Forum:

During the Period Hearing conducted in the chambers of the Chairperson,CGRF, Tirupati on 05.05.2015, the complainant has raised several issues including the statutory validity of the inspection report of the Respondent ,billing of cat III A under HT category,calculation of development charges,security deposit ,levy of transformer

hire charges, addition of 3% energy for not providing HT metering, levy of PPF surcharge etc. He has also furnished several case laws where in the Ombudsman and Hon'ble High Court pronounced judgements and orders on similar issues. Some important issues are discussed here under.

1. The legality of the Inspection Report of the Respondent No 3:

The Respondent No 3 has issued a 30 days notice vide his letter dated 255A/2009/dated 17.06.2009 to the complainant wherein the Respondent has stated that he has inspected the Industrial service of the complainant in question on 11.06.2009 at 18.05 hours and noticed that connected load of the service as per the inspection was 159.5HP+ 2KW against the contracted load of 74 HP and thus exceeded the connected load by 85.5 HP +2KW =88.5HP and requested to regularize the additional load by paying the Rs 194710/-.

In accordance with clause 9.1.2 of the GTCS, 'The inspection officer shall record the observations made at the time of inspection by preparing the Inspection Report as per the format prescribed in Appendix VI A for LT Consumers and serve a copy to the consumer at the end of the Inspection'.

But as could be seen from the copy of Inspection Report it is observed that the Inspection Report of the said service is not in the prescribed form Appendix VI A as stipulated in clause 9.1.2 of the GTCS.

In this case it is felt pertinent to point out that the Hon'ble Ombudsman in his orders vide Appeal No.106/2013 has set aside the inspection report of the Inspection Officer on similar grounds since the Inspection Report of the Licensee is not as per the Appendix VI of the GTCS.

In view of the above rule position , the notice issued by the Respondent No 3 is set aside and hence any further course of action initiated on the invalid notice shall also be set aside . The Respondents are at liberty to conduct inspection in accordance with the GTCS afresh.

II. As could be seen from the submission of all the Respondents it is noticed that they have taken a decision during the Co-ordination meeting held in 6/2009 to bill the service under question under HT billing from 7/2009 onwards since the consumer has not regularized the additional load as per the inspection report of Respondent No 3.

As per the pre amended clause 12.3.3.2 iii of GTCS, ‘One month notice shall be given for payment of service line charges, development charges and consumption deposit required for conversion of LT service into H.T.Service’.

Further the clause 12.3.32 (IV) of GTCS stipulated that service of such consumer who do not pay the required service line charges, development charges and consumption deposit shall be disconnected immediately on expiry of notice period and these services shall remain under disconnection unless the required service line charges, development charges and consumption deposit are paid for regularizing such services by conversion from LT to HT category.

The clause 12.3.3.2 V of the GTCS further clarifies ‘ If the consumer where required , does not get the LT service converted to HT supply and regularized as per the procedure indicated above within three months from the date of issue of the notice, the company is entitled to terminate the Agreement by giving required

notice as per clause 5.9.4 of GTCS, notwithstanding that the consumer is paying the bills at HT tariff rates prescribed in clause 12.3.3.2(i) above .

From the above it is crystal clear that the Respondents have not followed the GTCS provisions but rather adopted their own regulations in the Coordination meetings and implemented by violating the rules and regulations.

As could be seen from the submissions made by the Respondents during the personal hearing and appeal of the Complainant ,it is noticed that the Respondents have issued the HT bills for the service under question from 2/2009 to 10/2014 under the impression of implementation of conditions contained under clause 12.3.3.2 of GTCS as to exceeding of connected load above 75 HP.

It seems that implementation of clause 12.3.3.1 and 12.3.3.2 was a big debatable one till issue of appeal orders by the Hon'ble Ombudsman in number of cases such as 15 of 2010 ,16 of 2010, 19 of 2010, 30 of 2010 ,31 of 2010,35 of 2010 and 42/2014.

In appeal no.42/2014 ,‘The Ombudsman has clearly pronounced that ‘in accordance with tariff order provisions , only such of the recorded demand that is in excess of the contracted demand shall be subjected to HT category –I demand charges applicable to 11 KV supply’.

The tariff orders issued from time to time also in conformity with the above orders of the Ombudsman .But contrary to the rule position the Respondents have issued the bills under HT cat I for all the months for the said service in question of the complainant in violation and hence the same are required to be revised in accordance with GTCS , tariff order and Ombudsman orders only.

III. The third point raised by the complainant is that the Respondents are levying transformer line charges at 3 % every month on the Transformer value in the bills despite he himself has purchased and got erected one no.160 KVA Distribution Transformer for his industrial service.

As could be observed from the submissions of the Respondents that the complainant has purchased 160KVA DTR during 2009 but it is erected to the service by the consumer without proper authorization from the department. The exact date of erection of DTR at the service was not known. The Respondents have also confirmed that the released 100KVA Transformer caused due to erection of 160KVA Transformer to the service is available in the field. This clearly speaks that the Respondents fully aware of the charging of 160 KVA Transformer at the service and hence the entire transformer hire charges levied on the service from the date of release of 100KVA ,transformer required to be withdrawn.

IV. The last point was levy of 3 % line charges losses for non metering of HT metering of HT metering equipment. For this the Respondents have agreed that right from the inception of the service, the metering was on HT side only and hence the line losses of 3% added to the energy consumed by the complainant service also required to be withdrawn.

ORDER

On perusal of the entire file and taking into consideration of the above facts , orders of the Hon'ble High Court of AP , appeal orders ,GTCS provisions and amendments issued from time to time and tariff orders, the following orders issued :-

1. The inspection report of Respondent No. 3 issued vide Lr .dated 255A/2009 dated 17.06.2009 is set aside and hence subsequent actions taken on the above inspection reports are also set aside.
2. The CC charges bills issued under HT category I are to be revised in accordance with GTCS provisions and tariff orders only issued from time to time in line with the appeal orders of the Ombudsman.
3. The transformer hire charges levied is to be withdrawn from the date of release of 100 KVA Distribution Transformer from the service point.
4. The line losses of 3% energy added to the consumed energy is to be withdrawn from the date of supply of the service or when ever levied .
5. The energy bills shall be revised and excess amount withdrawn within 15 days from the date of Orders of the Forum and compliance reported.
6. The excess amount of billing withdrawn as per orders 1 to 5 above shall be refunded to the complainant by way of adjustment in future bills.
7. The Respondents are also directed to pay the consumer the interest charges at 24% per annum on the excess amount outstanding on account of wrong billing as elucidated above in terms of clause no 4.7.3 of Regulation No 5/2004 . This interest may also be adjusted in subsequent CC bills as stated above.

8. The implementation of the orders of the Forum shall be reported within 15 days from the date of issue of these orders.

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4th Floor, Ashoka Chambers, Opposite to MLA Quarters ,Adarsh Nagar,Hyderabad-500063**, within 30 days from the date of receipt of this order.

Signed on this, the 30th day of July 2015.

Sd/-

Member(Legal)

Sd/-

Member(Accounts)

Sd/-

Chairperson

True Copy

Chairperson

To

The Complainant

The Respondents

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