

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

On this the 24th day of July , 2015

In C.G.No:119/ 2015-16/Ananthapur Circle

Present

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

Chairperson
Member (Accounts)
Member (Legal)

Between

M/s Shri Tirupati Steel Cast Ltd
58,APIIC
Gollapuram Industrial Park
Hindupur
Anantapur
515211

Complainant

And

1.Senior Accounts Officer/CO/Anantapur
2.Chief General Manager/Rev & IA/TPT
3.Divisional Engineer/Operation/Hindupur
4.Superintending Engineer/Operation/Anantapur

Respondents

M/s Shri Tirupati Steel Cast Ltd ,58 APIIC, Gollapuram Industrial Park ,Hindupur, Anantapur – Dist herein called the complainant, in their complaint dt:22.05.2015 filed in the Forum on dt:22.05.2015 under clause 5 (7) of APERC regulation 1/2004 read with section 42 (5) of I.E. Act 2003 has stated that:

1. M/s. Shri Tirupati Steel cast Ltd, since November 2012 (from the date of releasing of new HT Supply to their Industry with a CMD of 9900 KVA along with Dedicated feeder arrangements) they are operating their unit within the

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department sanctioned CMD of 9900 KVA only and this is the first time the Demand is exceeded, 546KVA for one day (19-01-2015) and 498 KVA for one day (20-01-2015) it is in between 19:30hrs of 19-01-2015 to 08:00hrs of 20-01-2015 due to some technical problems in machineries and within a day they have rectified it. This was a unintentional system failure, You can check our previous load records and payment details, all are perfect as per their knowledge.

2. For the billing month of February-2-15 the Maximum Demand is exceeded 546 KVA, and department is imposed the penal amount Rs. 36,26,660.40 (Rupees thirty six lakhs twenty six thousand six hundred sixty and forty paise) for low voltage surcharge. Their humble request is, please look in to the matter in a positive way of development of the industry and arrange to issue a revised bill at earliest to make payment in time.
3. Sir, this is a matter of genuine hardship, un-intentional and must be considered in that respect. As it is Steel Industry is under heavy pressure because of Worldwide slow down and such penalties may lead to closure of Industry.
4. It is requested to allow them to pay the regular billing amount and the penalty portion may please be kept in abeyance. They do request to please give a chance of personal hearing in the matter.
5. This is first time their MD is exceeded, that's also only for within a span of 12 Hrs, for twelve hrs the penalty you have charged is a huge amount.

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

The respondent-2 The Chief General Manager /Revenue & IA/Corporate Office/ APSPDCL/Tirupati in his written submission dt:06-05-2015 received in this office on dt:02.06.2015 stated that:

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1. The consumer of HT SC No. ATP459 M/s.Shri Tirupati Steel Cast Ltd, Gollapuram Industrial Park, Hindupur, Anantapur Dt is having a CMD of 9900 KVA at 33 KV voltage level through dedicated feeder.
2. With respect consumer grievance it is to submit that APSPDCL is following the provisions of tariff orders issued by Hon'ble APERC from time to time strictly for billing.
3. As per note to clause No. 4 of H.T. SUPPLY-GENERAL CONDITIONS of Hon'ble APERC tariff order 2013-14 low voltage surcharge is to be levied as follows.
4. "In case of consumers who are having supply arrangements from more than one source, the RMD or CMD only with the Licensee, whichever is higher shall be the basis for levying voltage surcharge".
5. In the present case, the consumer meter recorded MD of 10546 and the consumer availed open access energy 21,63,140.
6. Hence Low voltage surcharge of Rs.36,26,260/- levied during Feb 2015 billing month since the consumer RMD exceeded 10000 KVA threshold limit i.e., 33 KV dedicated feeder and the consumer availed open access energy for the month of Feb 2015 billing month.

The respondent-4 The Superintending Engineer /Operation// APSPDCL/Anantapur in his written submission dt:10-06-2015 received in this office on dt:16.06.2015 stated that:

1. The HT service ATP459 of M/s. Tirupati Steels (P) Ltd., Gollapuram (V) Hindupur (M) has CMD 9900 KVA under Cat-I, 33KV voltage independent feeder level.
2. The MD has been recorded 10446 KVA in the month of 02/2015 and the penalized MD charges & Energy Charges as per Tariff Order.
3. Bill issued and Voltage surcharge imposed in 02/2015, as per the clause No. 04 & 08 of HT Supply-General Conditions of the Hon'ble APERC tariff order 2013-14.

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4. The calculation of penalty details is given below.

- a. CMD : 9900 KVA
b. Recorded MD : 10446 KVA
c. Exceeded MD : 546 KVA (5.51%)

d. Additional Charges as per Clause No.08:

Excess MD Charges : 546 @ Rs.700/- : 3,82,200-00

e. Voltage Surcharge as per Clause No.04 :

Demand Charges 12% on 3847200 : 461664-00

Energy Charges 10% on 31649964 : 3164997-00 3626661-00

5. The above details and clarifications are already been informed to the consumer vide this office letter Dt. 10.03.2015.

6. But the consumer represented through the DE/O/Hindupur for waiver of voltage surcharge and the same has been submitted to the Corporate Office/ Tirupati for necessary action vide T.O.Lr. Dt. 02.04.2015.

7. In this regard the Corporate Office/ Tirupati was denied the request of the consumer and given clear instructions that "As per Clause No. 04 of HT Supply-General Conditions of Hon'ble APERC tariff order 2013-14 low voltage surcharge is to be levied in case of consumers who are having supply arrangement from more than one source, the RMD or CMD only with the licensee, whichever is higher shall be the basis for levying voltage surcharge the same is extracted is here under."

"As per the above condition, the consumer is liable for levying of low voltage surcharge since the consumer availed open access energy for the month of Feb'2015 billing month." Vide Lr.No.CGM/R&A/GM®/AO/JAO-HT/D.No.484/15, Dt.14.05.15.

8. Accordingly issued notices to the consumer for arrangement of payment of dues towards voltage surcharge levied in the bill of 02/2015 vide T.O. Lr. Dt.23.05.2015.
9. The consumer has paid total dues on 26.05.2015.
10. Hence it is submitted that Voltage Surcharge has been levied as per the Tariff Order and nor deviated any rules and conditions in this regard.

In view of the above, it is prayed the Hon'ble CGRF to set aside the complaint (CG No.119/2015-16) please.

1. At the request of the complainant and in accordance with para 3.6 of the procedure laid to deal with complaints received by the Forum communicated vide LR.NoS.325/05-06 dated 07.07.2005, a personal hearing has been conducted on 25.06.2015 at 11.00 AM.
2. Sri U.K.Nair ,General Manager attended on 25.06.2015 @ 11 AM on behalf of M/S Sree Tirupati Steels (P) LTD Hindupur on Personal Hearing in the presence of Members of CGRF and Chairperson and Accounts Officer/Revenue /HT of Corporate Office has attended on behalf of CGM/R&IA/APSPDCL/Tirupati.
3. During the Personal Hearing, the authorized designate Sri U.K.Nair,GM has requested to consider his case Sympathically and as a special case since it is an un intentional one and further since the RMD has been exceeded in 11 hours only during the entire month. Also requested to limit the penalty for one day only.
4. The Accounts Officer /Revenue /Corporate Office has clearly explained the rule position with reference to the tariff Orders issued from time to time for levying the voltage surcharge and tried to impress upon the complainant the genuiness in issuing the bill

Findings of the Forum:

1. After taking consideration the arguments ,requests and pleading of the complainant and the ground realities and rule position as elucidated by the Respondents, the Forum finds no fault in issuing the bill with voltage surcharge since the levy of

voltage surcharge is the consonance with the Tariff orders issued by the Hon'ble APERC only.

ORDER

Since the complainant has availed open access energy during February 2015 and has exceeded the RMD of 10.000KVA(10.446 KVA) the bills issued for the month is in conformity with the terms and conditions stipulated in the tariff order and hence the complainant is advised to pay the bill. The request of the complainant to limit the penalty for one day only cannot be considered in view of the rule position.

The case is disposed off accordingly.

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.

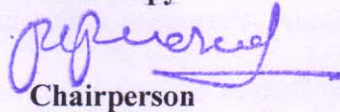
Signed on this, the 24th day of July 2015.

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.

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