

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

On this the 18<sup>th</sup> day of July 2016

In C.G.No: 443/ 2015-16/Guntur Circle

*Present*

*Sri J.V.T.S.Prasad*  
*Sri N.Siva Sankar Prasad*  
*Sri T. Rajeswara Rao*

*Chairperson (I/c)*  
*Member (Accounts)*  
*Member (Legal)*

*Between*

M/S Indus Towers Ltd  
Survey .No:133,4-51,  
8<sup>th</sup> Floor, SLN Terminus  
Besides Botanical Gardens  
Gachibowli  
Hyderabad  
500032

Complainant

*AND*

1.Assistant Accounts Officer/Town- I / Guntur  
2.Assistant Divisional Engineer/Town 3/ Guntur  
3.Divisional Engineer/Town/ Guntur  
4. Superintending Engineer/Guntur

Respondents

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M/s Indus Towers Ltd, Survey No.133,4-51,8<sup>th</sup> Floor , SLN Terminus , Besides Botanical Gardens , Gachibowli , Hyderabad herein called the complainant, In their complaint dt:29.12.2015 filed in the Forum on dt: 29.12.2015 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 Indus Towers limited is the largest consumer of APSPDCL comprising 4600 services with an average monthly demand of Rs .15 Crores utilizing power to the cell tower services in the jurisdiction of APSPDCL .They have a S.C.No.1113204901617, Indus Towers limited, Ankireddypalem under

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DESPATCHEU  
26/07

o/c

D12/Guntur Sub-Division. It is to state that, the AAO/ERO/TI/Guntur sent a demand notice for payment of Rs 6,66789.

2. It is bring to the kind notice that as per the clause No.7.5.1.4.4 of General Terms and conditions of supply approved by APERC. If the meter is declared defective , assessment shall be limited to a maximum period of 6 months preceding the date of inspection . It is also mention that the meter test results of MRT Report are not made available to them in their record in time.
3. Respecting the said Demand note they have paid one year average consumption under protest to restore the site with EB, as it is very essential and emergency services. The said payment for an amount of Rs .1,56,605( One Lakh fifty –Six thousand six hundred five Rupees only), vide NEFT UTR NO:4440U15201200796, Credited to your respective bank on dated :20.07.2015 and they also paid of Rs 2,00,000/- (Two lakh Rupees only), vide NEFT UTR NO:4440U15333126080 credited to your respective bank on dated 19.12.15 as per SAO/Op Circlce /Guntur recommendation .
4. It is specifically mentioned that there is no change in the connected load and as per the billing record the R.M.D recorded below 12 KW i.e a maximum of 10 KW and the consumption is also commensurate with the load all these years and there is no point in levy of back billing /Short billing at this time showing that there is defect in the meter .
5. In view of the above , it is requested to issue necessary instructions to the AAO/ERO/TI/ Guntur to revise the wrong categorization assessment for a period not beyond 6 months prior to the date of inspection. It is also requested to issue instructions not to take coercive measures by way of disconnection of the service /link service till the dispute is resolved.

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6. As of now their Telecom tower site is under EB disconnection since 2 weeks they seek esteemed urgent support for an interim order to the respective DE to restore the site with EB immediately . As you know any disruption caused to the telecommunication service will cause serious irrecoverable to the community as whole . They once again request good self support on the same .

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

The respondent- 1,2 and 3 i.e. the Assistant Accounts Officer / ERO/Town-I/ Guntur, the Assistant Divisional Engineer /Town-3/Guntur and the Divisional Engineer/Town -1/ Guntur in their combined written submission dt:05.03.2016 received in this office on dt:11.03.2016 stated that:

1. The SC.No.1113204901617 of Anki Reddy Palem, D12 section is released on 26- Nov- 2007 under cat -III instead of cat-III . Accordingly the service billed under Cat-III to March -2015. During the month of April 2015 this office identified that the service was wrong categorization , subsequently category of the service changed and the difference amount arrived of Rs .6.66,789 for the period of the January-2008 to March -2015 and included in CC bill vide RJ .No:36/6-2015. The same was intimated to the consumer vide LR.No:AAO/ERO/TI/GNT/JAO/UDC/HV/DNo:356/2015, dt 22.05.2015. later the consumer paid Rs 1,56,605 vide PR . No:650146 dt.25.07.2015.limiting to April To March 2015.Later Rs 2,00,000/- paid vide PR .No:963752 dated 23.12.15. At present the closing balance of Rs.3,59,328 /-.
2. Further it is to submit that , M/S . Indus tower limited given a letter the content's of the letter are as follows.
  - a. The service was taken for the purpose of telecom tower and the nature of supply is not changed from the date of supply of service.
  - b. The consumer mentioned the APERC amendment of GTCS vide proceeding .

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No. APERC/SECY/96/2014. DT:31.05.2014. stating through the clause no.3.4.1 to limit the demand for a period of 12 months, immediately preceding the date of inspection.

3. On verification of the Amendment of General terms and condition of supply vide proceeding No. APERC/Secy/96/2014, dt:31.05.2014. In that clause No.3.4.1 it is clearly mentioned that the company may alter the classification and suitably revise the bills. If necessary even with retrospective effect, the assessment shall be made to the entire period during which reclassification is needed , however , the period during which such reclassification is needed, cannot be ascertained , such shall period be limited to a period of twelve months immediately preceding the date of inspection.
4. In this connection , it is to submit that M/S Indus towers limited in the letter as per the M/S Indus Towers Ltd lr.dated 16.07.2015 in 'B' paragraph mentioned that the nature of supply for telecom tower . The nature of supply is not yet changed since the date of supply of the service connection and utilizing for Telecom tower only and the CC bills should be raised under Non-domestic purpose i.e under Cat-II therefore , in this case the period can be ascertained that is from the date of supply. The same was intimated to the consumer and requested to pay the difference amount of Rs 6,66,789 at an early dated vide this office Lr. No.AAO /ERO /T1/ GNT/ JAO/ SA/ HV/ D.No:636/2015, Dt:06.10.2015. The consumer paid an amount on Rs 356605/- in two installments and the balance of Rs.359328/- is yet to be paid.

#### Findings of Forum

1. M/s Indus Towers Ltd , Hyderabad has filed a petition on 29.12.15 before the Forum where in it states that their SC.No:1113204901617 which released in Cat III is now reclassified as Cat II ® service and short fall amount of Rs 666789/- was calculated from the date of release of service till to date . The Firm also stated that as per clause

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No:7.5.1.4.4 of General terms and conditions of supply approved by APERC , if the Meter is declared defective assessment shall limited to maximum period of 6 months preceding the date of inspection and revised the short fall amount bill for 6 months period instead of entire period i.e from date of release of service.

2. The Respondents 1,2,3 in their joint letter dt 05.03.2016 received in the Forum 11.03.2016 submitted that M/s Indus tower limited has taken service for the purpose of Telecom tower and the from is continuing in the same operation from the date of release of supply. They are submitted that APERC has issued Amendment of General Terms and Conditions of supply issued vide proceedings No:APERC/Secy/96/2014 dt:31.05.2014 as follows:

For clause No:3.4.1: the following shall be substituted , namely:-

“ 3.4.1 where a consumer has been classified under a particular category and is billed accordingly and it is subsequently found that the classification is not correct (subject to the condition that the consumer does not alter the category/purpose of usage of the premises without prior intimation to the Designated Officer of the Company ), the consumer will be informed through a notice, of the proposed reclassification , duly giving him an opportunity to file any objection within a period of 15 days. The Company after due to consideration of the consumer's reply if any, may alter the classification and suitably revise the bills if necessary , even with retrospective effect, the assessment shall be made for the entire period during which such reclassification is needed , however , the period during which such reclassification is needed cannot be 'ascertained , such period shall be limited to a period to twelve months immediately preceding the date of inspection.”

**ORDER**

As much as the grievance of the complainant is verified that Respondents reply and APERC amendment issued to Regulation no 3.4.1 of General Terms and conditions of supply as the complainant is availing of supply for Telecom Tower from the date of release of service the complainant has to pay the entire short billing amount raised by the Respondent . The Respondent 4 is directed to take suitable action against who released the supply without observing correct classification of supply.

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, Andhra Pradesh ,Flat No:401 ,4<sup>th</sup> 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 18<sup>th</sup> day of July 2016

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.