

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

**On this the 23<sup>rd</sup> day of January 2018**  
**In C.G.No:71/ 2016-17/Anantapur Circle**

***Present***

Sri. A. Jagadeesh Chandra Rao  
Sri. A. Sreenivasulu Reddy  
Sri. D. Subba Rao  
Sri. Dr. R. Surendra Kumar

Chairperson  
Member (Finance)  
Member (Technical)  
Independent Member

***Between***

Sri B. Masthan Vali,  
Near NTR Circle,  
Bukkapatnam,  
Bukkapatnam,  
Anantapur – Dist

Complainant

***AND***

1. Assistant Engineer/O/ Bukkapatnam  
2. Assistant Divisional Engineer/O/Puttaparthi  
3. Divisional Engineer/O/ Kadiri

Respondents

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**ORDER**

1. Sri B. Masthan Vali, Near NTR Circle, Bukkapatnam, Anantapur - Dist has presented a complaint through post and the same was registered as C.G.No:71/2016-17 of Anantapur Circle. In his complaint he has elucidated that he is having two No's ISC Services 7431107000506 and 7431107000651 and also having capacitors. For Service No: 506 capacitors surcharge have been levied from 4/2015 to 1/2016 for an amount of Rs.18,752/- and for Service No:651 capacitors surcharge has been levied from 4/2015 to 1/2016 for an amount of Rs.4,450/-. In this regard a complaint was given to Assistant Engineer. But even today his problem is not yet solved. Hence requested for redressal of his grievance.
2. The Respondent No.2 in his written submission stated that the meter of the ISC No.7431107000506 was replaced on 05.01.2015 with high quality electronic meter in place of mechanical meter and the following are the meter particulars.

**DESPATCHED**  
DATE 30/1/18

o/c

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**Fixed Meter Particulars:**

Meter No	Make	Cap	IR
2277750	HPL	10-40A	0000

**Removed Meter Particulars :**

Meter No	Make	Cap	FR
3205847	Havells	10-40 A	77252

Due to installation of IR port high quality electronic meter it will record KWH,KVAH and P.F and as per the General Terms and Conditions of Supply the Power Factor (P.F.) should be 0.95 for LT consumers except LT-I domestic and LT-V Agriculture and if the P.F. is below 0.95 automatically the capacitor surcharge amount will be generated. Likewise the capacitor surcharge amount is included in the bill during 04/2015 to 08/2015 as the P.F. maintained by the consumer is below 0.95 due to defective capacitor and the same was intimated to the consumer by the ADE/O/Bukkapatnam and the consumer fixed the healthy capacitor during 08/2015 and from 09/2015 onwards the capacitor surcharge amount was not coming in the bill due to maintaining of P.F. at 0.95. This is submitted for favor of information and necessary please.

3. The rule position regarding levy of capacity surcharge is explained below:

In accordance with Clause 12.1.1 of General Terms and Conditions of Supply "Failure to install/maintain capacitors by consumers in accordance with the provisions under Clause 5.13.1 will be treated as violation of GTCS and attracts levy of capacitor surcharge at the rates specified by the commission in the tariff orders issued from time to time or otherwise.

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Clause 12.1.2 of GTCS regarding the procedure to be followed in respect of LT consumers is reproduced here under:

“ If the capacitors already installed are found, during inspection of the premises of a LT consumer, damaged or become defective or cease to function or derated, the consumer shall be served with a notice by the Designated Officer to get the same replaced/rectified or corrected within 30 days from the date of notice in accordance with the format prescribed in Appendix VIII(A) herein, and intimate the fact of replacement/rectification or correction to the Designated Officer of the Company who will inspect the capacitors again to verify their satisfactory performance. In the event of failure on the part of the consumer to comply with the above notice, the company may levy a surcharge as specified by the commission in the Tariff Orders issued from time to time or otherwise from the consumption month of the date of inspection till such time the capacitor is replaced/rectified or corrected. Provided further that retrospective levy if any of surcharge shall not extend to beyond one year prior to the date of inspection. The consumer aggrieved by the retrospective levy, may appeal to the authority/officer designated for this purpose in the “Designated Officers’ Notification’ whose decision shall be final.

Clause 12.1.3 of the GTCS “The failure on the part of the consumer to comply with the above notice as per Clause 12.1.2 shall be treated as violation of GTCS and the company reserves the right to terminate the contract and collect the sum equivalent to the minimum charges for the balance initial period of agreement.

In accordance with the above rule position the Respondents should issue a notice for rectification/replacement of defective capacitor as per appendix VIII (A) on the consumer and if the consumer fails to replace/rectify the capacitor within 30 days from the date of the notice another notice as contemplated in appendix VIII(B) shall be issued for recovery of capacitor surcharge amount

4. But as could be seen from the averments of Respondents it is noticed that the Respondents have straight away levied the capacitor surcharge referring to the tariff conditions but ignoring the provisions contained in GTCS as approved by the Hon'ble APERC. Hence the levy of capacitor surcharge without issuing the notices is not justifiable and the Licensee is not entitled to levy the capacitor surcharge without issuing the notices. Hence the entire capacitor surcharge levied on the above complaint is liable to be withdrawn.
5. In the circumstances explained above and in view of the rule position the Respondents are directed to withdraw the capacitor surcharge amount included against the two services of the Complainant together with the belated payment surcharge levied on such capacitor surcharge amount, if any within 15 days from the date of receipt of this order and compliance shall be submitted within 15 days thereafter. Accordingly the complaint is disposed off in favour of the Complainant.

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.

This order is passed on this, 23<sup>rd</sup> day January 2018.

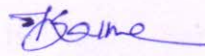
Sd/-  
Member (Finance)

Sd/-  
Member(Technical)

Sd/-  
Independent Member

Sd/-  
Chairperson

**Forwarded By Orders**



**Secretary to the Forum**

To

The Complainant

The Respondents

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

Copy to the Nodal Officer (Chief General Manager/Operation)/CGRF/APSPDCL/TPT

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh, Flat No: 401, 4th Floor, Ashoka Chambers, Opposite to MLA Quarters, Adarsh Nagar, Hyderabad-500063.

Copy Submitted to the Secretary, APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.

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