

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

On this the 26th day of June 2018

C.G.No:264 /2016-17/Ongole 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

M/s. Tulip Granites Pvt. Ltd.,
Plot No.33,
APIIC Building Materials SEZ,
Annangi (V),
Maddipadu (M),
Prakasam -Dist

Complainant

AND

1. Superintending Engineer/O/Ongole
2. Senior Accounts Officer/O/Ongole
3. Divisional Engineer/O/Ongole
4. Chief General Manager/R & IA/Tirupati
5. Chief General Manager/P&MM & IPC/Tirupati

Respondents

1. M/s. Tulip Granites Pvt. Ltd. presented a complaint before this Forum through post and the same was registered as C.G. No. 264/2016-17/Ongole Circle. The complainant in their complaint has informed that originally they have applied for electricity connection in the year 2010 with the CMD 700 KVA with the CT ratio of 100-1 Amps -2.S. They have obtained additional load for 500 KVA totalling to 1200 KVA during the year 2013 with same CT ratio of 100-1 Amps-2 S. Due to some crisis in the year 2016, they made an application on 14.03.2016 for deration of CMD from 1200 KVA to 1000 KVA and the same was registered on 14.03.2016. The complainant further informed that they came to know that replacement of CT's, Meters of PT's have to be made by the department own costs only. But they have received a demand notice for payment of cost of Rs. 2,36,048/- for replacement of CT's and meters. Immediately after receipt of demand notice they

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represented the department that they couldn't pay the said amount but the department people again sent him demand notice stating him to pay Rs.76,210/- for replacement of CT's only. They came to know that there is no necessity to pay the said amount also. Due to the acts of the department there is lot of delay in deration of load. For that reason they have arranged payment of Rs.76,210/- on 04.11.2016 and the deration of load was effected on 18.11.2016 with CT ratio of 25/1-2 S. Finally the complainant has requested clarification on the following:

- a. As per the norms of the department deration shall be completed within one month from the date of application for deration.
- b. In the regard of deration of load in so many factories without replacement of CT's deration of load is completed . But for deration of 200 KVA there is no need to replace the CT's , even if it is required the same is to be borne by the department only.
- c. Even the deration is not completed within one month and delay is held more than eight months, they used below 1000 KVA CMD only, but the demand charges issued for 1200 KVA. So they were compelled to pay excess amount of Rs.3,75,000/- approximately for the said delay.

Finally the complainant has requested to consider his complaint and reduce the excess of Rs. 4,51,210/- being cost of CT's Rs.76,210/- and Rs.3,75,000/- for the excess amount paid due to delay in deration of CMD .

2. The Respondent No.3 in his written submission has explained that initially an estimate for conversion of existing LT service bearing No: ONG-1056 with connected load of 50 KW under LT Cat-II into HT service at 33 KV potential under HT Cat-I for a CMD of 700 KVA with connected load of 3000 HP to M/s. Tulip Granites was sanctioned on 19.04.2010 and service was released with effect from 24.07.2010. The consumer has requested for release of additional CMD of 500 KVA totalling to 1200 KVA and additional CMD of 500 KVA was released on 02.03.2013 with the existing infrastructure. Further the complainant has given representation on 11.06.2013 for giving permission to open access and estimate was sanctioned for providing of 2 No's 0.2 S class open access meters (ABT) . The said 2 No's meters were procured by the complainant and labour charges for erection was paid to the department. The complainant further requested for deration of CMD from 1200 KVA to 1000KVA on 14.03.2016 and estimate was sanctioned on 19.05.2016 duly replacing the existing CT's and HT tri- vector meter with

25/1 amps 0.2 S class with an estimate costs of Rs. 2,36,048/- towards replacement of CT's and meters. The complainant has represented for utilization of existing infrastructure for deration of CMD from 1200 KVA to 1000 KVA and approval was accorded for utilizing only HT meters and revised estimate for replacement of existing 100/1A CT's with 25/1A CT's was sanctioned on 25.10.2016 and an amount of Rs.76,210/- was paid by the complainant. The Respondents further submitted that as per instructions issued vide Memo No: APSPDCL/TPT/GM/IPC/F. D. No: 853/13, dt: 21.12.2013 the Discom's should provide ABT meters with allied equipment the open access consumer on chargeable basis. Hence the estimate cost was collected for changing of CT's. The Respondent further explained that for 1000 KVA technically 25/1A 0.2S class CT's should be provided and hence changing of CT's is proposed in the estimate. Finally the deration effected on 18.11.2016. The Respondent finally submitted that they have acted as per the rules only and requested to pass necessary orders.

3. A personal hearing was ordered to be conducted at Forum office on 23.1.2018 for which notices were issued to the complainant and Respondent No.5.
4. On behalf of the complainant an executive of accounts and one electrical engineer attended the personal hearing and reiterated the averments. But the Respondent. No.5 has not attended the hearing.
5. Point for consideration is whether the complainant is liable to pay cost of CT's so as to order for deration from 1200 KVA to 1000 KVA?
6. The APSPDCL in Memo No: APSPDCL/TPT/GM/IPC/F.D.No:853/13,dt:21.12.2013 has communicated the instructions issued by AP TRANSCO regarding installation and testing of meters for the consumers who are going for open access. In Para No. 1 & 2 of the annexure of said memo, it was clearly explained the rule position regarding installation of 0.2S ABT main, check and standby metering (Meters ,CT's and PT's) by consumers to avail open access and the said meters shall be installed by distribution Licensee duly collecting the cost of estimate from the open access consumers or generators .
7. In accordance with amended Clause No.5.9.4.2 of GTCS as approved by the Hon'ble APERC "The consumer may seek reduction of CMD or termination of the HT agreement after the expiry of the minimum period of the agreement by giving not less than one month notice in writing expressing his intention to do so. However, if for any reason the consumer chooses to derate the CMD or terminate the Agreement, before the expiry of

the minimum 1 year period of the agreement, the CMD will be derated or the Agreement will be terminated with effect from the date of expiry of the initial 1 year period of the Agreement or after expiry of one month notice period whichever is later. The company can also terminate the HT Agreement at any time giving one month notice if the consumer violates the terms of the HT agreement, or the GTCS or the provisions if any law touching the agreement including the Act and rules made thereunder and AP Electricity Reforms Act, 1998. On termination of the HT Agreement the consumer shall pay all sums due under the Agreement as on the date of its termination”.

8. In view of the above rule position , since the present complainant being an open access consumer is liable to pay the cost of CT's while for effecting deration of the CMD from 1200 KVA to 1000 KVA . Thus the point is answered.
9. Respondents also informed to this Forum that since the complainant questioned the estimated cost of Rs. 2,36,048/- and also they need not pay cost of replacement of CT Meters and the cost has to be met by the department only and as there were no prior instructions issued by the Corporate Office on this issue, they sought clarification on this issue and as soon as they received instructions they issued revised notice and after the payment, deration of CMD was effected within the stipulated period and there was no delay in processing the file.
10. Complainant if disputed the estimated cost of Rs.2,36,048/- and really if it wants deration immediately, it would have paid the said amount under protest and ought to have made a representation and if their contention is held to be right, the excess amount paid if any would have been refunded with interest as per Regulation 5 of 2004. Complainant instead of following the above procedure simply sent a representation.
11. Complainant presented application for deration of CMD on 14.03.2016. The deration was effected on 18.11.2016. Deration has to be effected within 30 days in normal circumstances. Since the complainant is also availing supply from open access and as there were no clear instructions from the Licensee on this issue Respondents sought clarification and after receipt of clarification revised estimation was sanctioned.
12. The deration has taken place about after 8 months. The Forum is of the view that taking 8 months for deration is on higher side though Respondents could not order for deration on the ground that they have no specific directions on this issue. Normally the deration has to be taken place within one month but in complicated cases where Respondents requires clarifications and instructions from the Licensee still they need some more time. At the

same time complainant cannot be penalized on the ground that Respondents are not able to take decision on deration on account of clear instructions from the Licensee. So taking all these facts into consideration the Forum is of the view that about 4 months time is reasonable for seeking clarifications and acting upon it. Hence the deration could be effected from 14.07.2016 (i.e. after completion of 4 months from the date of application). Respondents are directed to effect the deration of CMD from 14.07.2016 and issue revised bills accordingly.

13. In result, the Respondents are directed to effect the deration of CMD from 14.07.2016 and issue revised bills. The excess billed amount shall be withdrawn and adjusted against current/future bills. Accordingly the case is disposed off.

If aggrieved by this order, the complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh, and Flat No: 401,4thFloor, 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, the 26th day of June 2018.

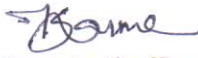
Sd/-
Member (Finance)

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, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.

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