

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

On this the 09th day of January 2018

In C.G. No: 14 /2017-18/Guntur 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 Vijaya Sai Poultries (P) Ltd
Shop No:38
Edupalem
Brundavanam
Pratipadu
Guntur

Complainant

And

1. Assistant Accounts Officer/ERO/Guntur Rurals I
2. Assistant Engineer/O/ Prathipadu
3. Assistant Divisional Engineer/O/Rurals 2/Guntur

Respondents

ORDER

1. Managing Director M/s Vijayasai Poultries limited presented a complaint before this Forum through post and same was registered as C.G.No:14/2017-18/Guntur Circle. The complainant in his complaint has informed that a letter was issued to him by Respondents by adding shortfall amount of Rs 9,28,514,00 in the CC bill for the month of July 2016 as the same was pointed out by Internal Audit during the inspection in June 2016. He has further submitted that he is having Sc.No bearing no:1512204000054 under LT cat-III in the name of Vijayasai poultries at Edupalem village of Prathipadu section . The said service connection was inspected by ADE/O/Rural 02/Guntur on 13.04.2013 and additional load case was booked vide case No:1360/13 and subsequently one month noticed

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of
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was issued for regularization of additional load. After receipt of one month notice he has represented for re-inspection of service duly removing certain unnecessary loads vide his representation dated 05.05.2013. Based on his representation, the ADE/Rural -2/Guntur i.e Respondent No.3 has re-inspected the service and revised additional load case was booked vide case No:1529/13 and subsequently one month notice was issued . After that the Respondents have pursued for payment of additional load amount and he has paid of an amount Rs. 50,150/- based on 1st inspection report by oversight on 28.05.2016. Thereafter the Internal Audit authorities have levied the shortfall amount under HT billing from the date of inspection of service. Finally the complainant has requested to arrange to withdraw the shortfall amount duly considering the re-inspection of the service by the Respondents and revise the contracted load of the service as per the re-inspection only.

2. The Respondent No.1 in his written submission has explained that the service under question was inspected by ADE/Rurals/Guntur on 30.04.2013 and additional load case was booked vide case No:1360/13 and issued one month notice for regularization of additional load of 24.5 HP. The complainant has represented to Respondent No.3 for re-inspection of the service since he has removed certain unnecessary additional loads. The Respondent No.3 has re-inspected the service on 31.07.2013 and issued additional load notice for 12.81 HP totaling to the load of 97.32 HP by paying an amount of Rs.26150/-. The complainant has paid the additional load charges as per 1st inspection notice and the additional load was effected in the ERO records as total contracted load as 109 HP . The Internal Audit wing during the course of verification of records in the month of 5/2016 raised the shortfall billing amount for Rs.9,28,514/- under HT billing from the date of inspection to April 2016 i.e from 4/13 to 9/13 and 11/13 to 06/14, 8/14 to 2/15 and 4/15 to 4/16 . The above shortfall was included in the cc bill of the complainant during the 7/2016 after issuing notice to the consumer through Respondent No.2 . the Respondent No.3 in his letter has informed that the complainant has paid an additional load for

24.5 HP instead of 12.8 HP erroneously due to pressure of Respondent No.2 in operating additional load D-list. The Respondent No.3 has recommended for withdrawal of shortfall amount and same was submitted to DE/Rurals/Guntur for further action .

3. The Respondent No.2 in his written submission has submitted that during the operation of special D-List of additional load cases, he has noticed that the complainant has not paid the Development Charges for regularization of Additional Load. He further submitted that since the additional load case 1 st booked was not deleted soon on booking of 2nd additional load case on re-inspection of the service, additional load amount was collected from the complainant as per the 1st case erroneously. Hence the contracted load was changed from 84.5 HP to 109 HP in the ERO records. The audit party during 6/2016 reviewed the high value services and noticed the billing deviation and thus levied a shortfall amount of Rs.9,28,514/- under HT billing from the date of inspection to 4/2016. The Respondents are also further submitted that the appeal of the complainant for withdrawal of shortfall amount was not considered by SE/O/Guntur and same was communicated vide memo no: SE/ O /GNT DE.T/ ADE.C/ AE.IHC/ F.NO.15.D.NO.77/17, DT:31.03.17. The Respondents have also enclosed the said above memo.
4. A personal hearing was conducted at Guntur on 13.10.2017 for which the complainant and Respondents 1, 2 and 3 have attended.
5. Heard the both the parties.
6. On perusal of the averments of both the complainant and Respondent No.1 and 2 the following critical points are observed :-
 - a. The contracted load of complainant service is 84.5 HP.
 - b. The Respondent No.3 has inspected the service and issued additional load notice for regularization of 24.5 HP totaling to connected load of 109 HP on 13.04.2013 .
 - c. Based on the representation of the complainant, the Respondent No.3 has again conducted re-inspection of the service 31.07.2013 and issued

additional load notice for 12.81 HP totaling to connected load of 97.32 HP.

- d. The Respondents have not deleted the additional load notice issued on 30.4.2013 subsequent to the re-inspection of the service on 31.07.2013 at the request of the complainant. Owing to non-deletion of the additional load notice issued on 30.04.2013 in the MATS, both the notices were made available in the MATS application.
 - e. During the operation of special D-list of additional load cases the consumer has paid the additional load amount on 28.05.2016 for Rs.50150/-.
 - f. Consequent to the receipt of payment of additional load charges from the consumer the Respondent No.1 has updated the contracted load of the said service connection as 109 HP.
 - g. During the course of audit the Internal Audit wing observed the additional load payments made by the complainant and levied the shortfall amount.
 - h. The request of the complainant for waiver of shortfall amount was not considered by the SE/O/Guntur invoking the provisions contained in clause no:12.3.3.2 of GTCS .
7. On critical examination of the episode it is observed that the Respondents have failed miserably in complying the provisions contained in GTCS and caused hardship to the complainant. The Respondents have erred in non-deleting the additional load notice booked on 30.04.2013 consequent to the re-inspection of service on 31.07.2017 as per the request of the complainant. It seems that the Respondents have also erred in up-dation of contracted load of the complainant's service as 109 HP without insisting the Respondent No.2 and Respondent No.3 to furnish test reports for the said load. The Respondents have also erred in inclusion of the shortfall amount as point out by the Internal Audit party without following the rule position.
8. The rule position in terms of clause no:12.3.3.2 of GTCS is herewith reproduced for better understanding

Cases where the total Connected Load is above 75 HP/56 kW or

1. These services shall be billed at the respective HT tariff rates from the consumption month in which the un-authorized additional load is detected . For this purpose, 80% of connected load shall be taken as billing demand. The quantity of electricity consumed in any month shall be computed by adding 3% extra on account of transformation losses to the energy recorded in LT meter.
2. The company may at its discretion, for the reasons to be recorded and in cases where no loss of revenue is involved, continue LT supply. If the consumer, however, makes arrangements for switchover to HT supply, the Company shall release HT supply as per the rules.
3. 12.3.3.2(ii) One month notice shall be given to regularize the additional connected load or part of additional load as per the requirement of the consumer or to remove the additional connected load. If the consumer desires to continue with the additional connected load, he shall pay the required service line charges, development charges and consumption deposit required for conversion of LT service into LT 3(B) or HT service depending upon the connected load. However, if the consumer opts to remove the additional connected load and if the additional load is found connected during subsequent inspection, penal provisions shall be invoked as per the rules in vogue.
4. Service of such consumers who do not pay HT tariff rates or 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.
5. If the consumer where required, does not get the LT services converted to HT supply and regularized as per 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 the GTCS , notwithstanding that the consumer is paying bills at HT tariff rate prescribed in clause 12.3.3.2(i) above.

9. On critical examination of rule position and averments of the Respondents it can be said that the Respondents have not followed the provisions contained in clause no.12.3.3.2 and violated the provisions and levied shortfall amount on the complainant. Though the Respondents re-inspected the service on 31.07.2013 and issued additional load notice for 12.81 HP totaling to a load 97.32 HP it seems that the Respondents not taken any steps either to disconnect the service as per clause no:12.3.3.2(iv) or collect the amount from the complainant till 25.05.2016 i.e the Respondents have not initiated any action on the additional load notice issued for a period of 34 months. The action of the Respondents in levying the shortfall amount from the date of 1st inspection is also not justified. Mere because the complainant has paid the additional load amount as per the inspection dated 30.04.2013, regularizing additional load without proper record and test report is against the procedure in vogue. The act of the Respondents in levying the shortfall amount at the instance of audit wing is not tenable since the Respondents have to bill the services as per the provisions and regulations issued by the APERC only.
10. In view of the above discussions the Forum strongly feels that levying of shortfall amount as pointed out by the Internal Audit wing is not maintainable and Justifiable. Hence the entire shortfall amount is liable for withdrawal. Hence the Respondents are directed to withdraw the shortfall amount levied against the provisions of GTCS together with the belated payment surcharge if any raised on such shortfall amount within 15 days from the date of receipt this order and compliance reported within 15 days thereafter.
11. Accordingly the case 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, 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, 09th day January 2018.

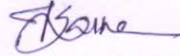
Sd/-
Member (Finance)

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

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