

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

On this the 15th day of May 2018

Inward No: 1288 A, Dt: 17.10.2017 /2017-18/Kurnool 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 Sree Rayalaseema Alkalies & Allied Chemicals
40/403, 2nd Floor,
K. J. Complex,
Bhagya Nagar,
Kurnool- Dist.**

Complainant

ORDER

1. The case of the complainant is that it is a public limited company having its registered office at Gondiparla of Kurnool- Dist. The unit is power intensive one.
2. Complainant filed W.P No: 16886/1987 before the Hon'ble High Court to treat the complainant industry under H.T Category – I instead of H.T Category –III tariff and to extent 25% rebate on consumed tariff. Writ Petition was allowed with a direction to extent 25% rebate on actual consumption charges levied and collected for the first three years and treat the complainant industry as a Cat-III industry from 30.03.1988.
3. After disposal of above said writ petition the authorities directed to pay an amount of Rs.2,99,73,819.26/- with a surcharge amounting to Rs.10,25,91,391.26/-. Aggrieved by the said notice complainant filed writ appeal No: 905/04. On 18.05.2004, the Hon'ble High Court was pleased to dispose off the said writ appeal with a direction to allow the complainant to pay categorisation arrears due with interest at 9% per annum in 20 equal instalments commencing from 1.07.2004.
4. CMD/APCPDCL issued memo dated 15.03.2008 directing the SE/O/Kurnool to adjust an amount of Rs.99,39,548/- towards excess 25% rebate. Though the said amount was adjusted but the interest not paid on account of delay in refund of 25 %

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rebate. Since the representation was not disposed off, the complainant filed W.P No: 4962/2013. The Hon'ble High Court was pleased to dispose off the said writ petition on 18.10.2016 to consider the representation dated 19.11.2012 on its own merits. In spite of the same the representations are not considered.

5. After bifurcation of the state of Andhra Pradesh the complainant company come under the purview of APSPDCL.
6. Therefore the present complaint is filed to direct the S.E/O/Kurnool & SAO/O/Kurnool to pay interest of 18% on account of delay in extending the benefit of 25 % rebate.
7. The Secretary of the Forum put an office note stating that the complaint is not in conformity with the provisions of Regulation.3 of 2016. Hence notice was issued to the complainant for hearing on the aspect of the maintainability of the complaint before this Forum.
8. Counsel of the complainant appeared before this Forum and reiterated the facts that were mentioned in the complaint and further stated that their representation dt:19.11.2012 was not considered on merits in spite of the orders of the Hon'ble High Court and the cause of action arose within two years and complaint is maintainable before this Forum.
9. Point for determination is whether the Forum is competent to entertain the complaint for not considering the representation of the complainant dated: 19.11.2012.?
10. The Hon'ble High Court held in writ petition No: 4962/2013 "The Respondents are directed to consider the representation dated: 19.11.2012 on its own merits and in accordance with Law, within eight weeks from the date of receipt of copy of this order. It is made clear that this court has not considered the merits of the matter while disposing of this writ petition".
11. Complainant has also filed another representation said to have been made by it on 10.11.2016 to 1).M.D/AP Transmission Corporation Limited, 2). Chief Engineer

(Commercial)/AP Transmission Corporation Limited, 3). S.E/Central Power Distribution Company Limited of A.P/Kurnool. Complainant has not filed any other documents to show that representation made to CMD/APSPDCL or to the officers of Corporate Office of APSPDCL.

12. The Secretary of the Forum contacted the representative of the complainant over phone and sought clarification on this issue but there was no response till this day. Hence this Forum is constrained to dispose of the complaint basing on the material available before this Forum.

13. The first representation dated 19.11.2012 was made to 1). Managing Director/ AP Transmission Corporation Limited/Central Zone/Hyderabad and 2). SE/O/Central Power Distribution Company of A.P .Limited/Kurnool. Bifurcation of Andhra Pradesh took place on 02.06.2014. The Operation circle of Kurnool has been brought under the control of APSPDCL. The letter dated 10.11.2016 addressed by the complainant after disposal of the W.P No: 4962/2013 dated: 18.10.2016 by the Hon'ble High Court was not addressed to CMD/APSPDCL/Tirupati. Complainant filed a photostat copy of representation dated: 10.11.2016 said to have been made to SE/O/APSPDCL. The representation is having seal of office of SE/O/APSPDCL but it is not having any inward o. with signature of the receiving person. The contents of the representation dt: 10.11.2016 shows that complainant requested to consider their representation dt: 19.11.2012 in the light of directions of the Hon'ble High Court. Complainant has not given any valid reason as to why again requested to consider their representation dt: 19.11.2012 when the Hon'ble High Court gave specific directions in the writ petition. It appears that the representation is redundant. Making again the same representation even after issuance of specific directions of the Hon'ble High Court and presenting complaint that their representation dt:10.11.2016 for the same relief was not considered when it is a replica of earlier representation and stating that the complaint is maintainable before this Forum is not tenable .

