

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

**On this the 15<sup>th</sup> day of May 2018**

**Inward No: 1288 C, 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, 2<sup>nd</sup> Floor,  
K.J.Complex,  
Bhagya Nagar,  
Kurnool- Dist.

Complainant

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**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. Government of Andhra Pradesh allowed many private companies to setup power generating stations and to sell the power to the consumers of AP Transco. As the private generating companies are offering various concessions in the matter of power supply, most of the H.T consumers of A.P Transco are leaning towards private suppliers, to withstand competition of private generating companies, AP Transco offered incentive of rebate on the consumption of the extra energy by the H.T. Consumers vis-a-vis consumption of power for the corresponding months during the previous year in its tariff order dt:10.04.2002 for the year 2002-2003. AP Transco also issued a memo dt:24.06.2001 providing working instructions to implement the incentive schemes. By taking into account the said offer the complainant started consuming more power with a fond hope that complainant would get incentive rebate in terms of the offer made by AP Transco. Though the complainant is entitled for the incentive, APCPDCL has not allowed the same incentive. After lot of persuasions APCPDCL through its lr. date 11.09.2002 informed that they agreeable to allow the incentive rebate as per the tariff orders 2002-03 from 01.04.2002 onwards.
3. When APCPDCL refused to allow the incentive, the complainant filed writ petition No:18122/2002. During the pendency of writ petition the Discom was pleased to refund due amount of Rs:40,99,768/- by way of adjusting the same in the bills in the month of June & July 2007. Therefore on account of delay in refund of the legitimate incentive due amount to the complainant, petitioner is entitled to interest from May to

**DISPATCHED**  
ATF

12/6/18 %



July 2002 till June & July 2007. Subsequently the Hon'ble High Court directed APTransco, APCPDCL to pay interest @ 18 % per annum on amount refundable to the petitioner towards incentive rebate after deducting the amount due to them from the date of finalisation of amount till the date of payment vide order dt:28.06.2008. Since APCPDCL has not paid the interest amount the complainant made an representation on 19.11.2012.

4. Since the representation dt: 19.11.2012 was not disposed off, the complainant again filed W.P no:4956/2013 against APCPDCL. The Hon'ble High Court disposed off W.P on 19.10.2016 directing to consider the representation dt:19.11.2012 on its own merits and in accordance with law within 8 weeks from the date of receipt of the order. Again complainant filed a representation on 10.11.2016 to refund 18 % interest on delayed payment in terms of the orders passed by the Hon'ble High Court in W.P 18122/2002 dt:20.06.2008. Hence the complaint.
5. The Secretary of the Forum put an office note stating that complaint is not in conformity with the provisions of Regulation.No.3 of 2016. Hence notice was issued to the complainant for hearing in respect of the maintainability of the complaint before this Forum.
6. 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 inspite 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.
7. 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. ?
8. The Hon'ble High Court held in writ petition No: 4956/2013 "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".
9. Complainant 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 was made to CMD/APSPDCL or to the officers of Corporate Office of APSPDCL.



10. 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.

11. The first representation dated 19.11.2012 was made to 1). CMD/ Central Power Distribution Company of A.P .Limited and 2). S.E/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: 4956/2013 dated: 19.10.2016 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 no. 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 the 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 by 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 .

12. Para 10.2 of Regulation No.3 of 2016 is as follows:-

“The Forum may reject the complaint at any stage under the following circumstances:

a) In cases where proceedings in respect of the same matter and between the same complainant and the Licensee are pending before any court, tribunal, arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal , arbitrator or authority” .

In this case also the complainant filed a writ petition no: 4956/2013 before the Hon'ble High Court and the same was considered and directions were issued to the Respondents to the Writ Petition. So this Forum is not competent to interpret on the orders of the Hon'ble High Court and again to consider the same aspect.

13. Therefore, in view of the above reasons the Forum is of the view that the complaint is not maintainable before this Forum.



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, the 15<sup>th</sup> day of May 2018.

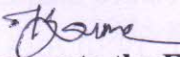
**Sd/-  
Member (Finance)**

**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 ,4<sup>th</sup> 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.