

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 23rd day of October 2018
In C. G. No: 346/ 2017-18/Vijayawada 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. Hindustan Petroleum Corporation Ltd.,
Rep by Sri. Y.V.N. Sharma,
UR-ATP Area,
Naval Base Post,
Visakhapatnam,
Pin: 530014.

Complainant

AND

1. Superintending Engineer/O/Vijayawada
2. Chief General Manager/P&MM&IPC/Corporate Office/TPT
3. Chairman & Managing Director/Corporate Office/TPT

Respondents

ORDER

1. General Manager, M/s. Hindusthan Petroleum Corporation Ltd., filed the present complaint stating that they are using HT driven high capacity pumps on 24 X 7 basis at their Vijayawada booster station, they have taken a 33 KV HT power supply connection HT SC No. VJA 557. They are major energy consumer to the licensee. They have proposed to avail power purchase through Open Access system. They have procured necessary switchgear at a cost of Rs.8,00,000/- and got them installed under the supervision of the Licensee in 2016 taking their due approval. They have applied for issue of No objection Certificate vide Format A Dt: 14.06.2017 and NOC was issued in the month of July'2017 along with approval of format A for a period of 6 months i.e. July'17 to December'17. Basing on the said NOC power purchase on a limited note was

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carried out for 6 days during the month of July'17. Suddenly licensee has not issued NOC for the month of August'17 on the ground that their service connection is under Category-II. There after they approached Corporate Office/Tirupati to restore NOC and also represented that category of connection is not relevant for granting of NOC for carrying open access system. It is further averred that the Hon'ble High Court upheld that their service connection at Vijayawada is as Category - I on merits in W.P No.23037/2012 Dt: 08.10.2015. Hence necessary instructions may be issued for availing Open Access trading for their unit at Vijayawada.

2. Respondent No.2 filed written submissions stating that the complainant has applied for NOC under format A Dt :14.6.2017 and NOC was issued by the Corporate office for the month of July'17 on 21.07.2017. This was issued by over sight on the premise that the service is under HT Category - 1. After came to know about this mistake NOC was not issued from the month of August'17. As per practice in vogue Open Access facility is not being given to other than HT Category- I services. The management has taken decision not to issue NOC to the complainant as the service is under HT Category- II and the same was informed to the complainant.
3. Respondent No.1 filed written submissions stating that complainant is billing under Category - II . Consumer is protesting for issuing bills under Category-II and requesting to treat it under Category-1 . Complainant filed W.P. No.23037/2012 for change of Category from II to I. The writ petition was allowed but Respondent No.1 has preferred an appeal vide WASRNo.39918 of 2016.

The usage of supply is only the criteria for categorization of service. It is not relevant whether the company is a Government company or not? Since oil filling and gas filling is for commercial purpose the service has been categorized under HT Category - II

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The activities of the complainant cannot be considered as industrial activity and the activities of the complainant comes under category of commercial. Complainant was billed under Category- II as per the existing tariff orders.

Respondents preferred an appeal and the same is pending against the judgment of writ petition No. 23037 /2012. So the category of the complainant could not be changed from Category - II to Category-I.

4. General Manager of the complainant, Respondent No.1 and GM/IPC for Respondent No 2 appeared before the forum and reiterated their contentions during the Personal Hearing.
5. The point for determination is whether the complainant is entitled for NOC to avail power through open access?

The contention of the respondents is that complainant is billed under HT Category-II as such the complainant is not eligible for NOC to avail power from Open access.

Admittedly it was held by his lordship in W.P. No. 23037 of 2012 Dt: 08.10.2015 that the complainant herein shall be billed under HT Cat -I. The Hon'ble High Court also directed to revise the bills with effect from 01.02.2005. According to respondents they have preferred an appeal before the Hon'ble High Court but no material is placed before this Forum that the writ appeal was admitted.

So the contention of the respondents as on today is that as complainant is billed under Category-II and is not entitled to NOC is not tenable.

Though Respondents stated that the Licensee has taken a policy decision to the effect that open access facility is not being extended to other than HT Category – I services. No material is placed before this forum to show that such decision was taken by the licensee. No regulation or proceedings issued by Hon'ble APERC is filed before this

